NOMINATION

HEARING

BEFORE THE

COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

DEBRA RUSSELL BOWLAND, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION

OCTOBER 27, 1989

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NOMINATION

FRIDAY, OCTOBER 27, 1989

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in room SD–430, Dirksen Senate Office Building, Senator Edward M. Kennedy (chairman of the committee) presiding.

Present: Senators Kennedy, Metzenbaum, Adams, Hatch, Jeffords, and Thurmond.

The CHAIRMAN. We will come to order.

Today the Labor and Human Resources Committee holds a hearing on the nomination of Debra Bowland to be Wage and Hour Division Administrator at the Department of Labor. This is a position of vital importance to millions of American workers.

The administrator is charged with the responsibility of enforcing a wide variety of wage and work standards ranging from minimum wage to child labor protections to farm labor and prevailing wage laws. With 1,400 employees and over 300 offices throughout the Nation, the Wage and Hour Division is the only hope for so many workers who have been denied their rights under our labor standards.

The Wage and Hour Division Administrator has a number of responsibilities. The administrator issues interpretations and opinion letters as to how these statutes are to be interpreted. Regulatory changes, as to how these changes are to be interpreted and enforced, emanate from this office, as does the Field Operations Handbook which governs the inspection and enforcement actions of almost 1,000 compliance officers. When an administrative law judge issues a decision, the administrator has the judicial function of either signing it or writing her own decision.

Debra Bowland comes before this committee as the current Deputy Director of the Labor Department's Women's Bureau. Her previous work experience included 2 years as the Louisiana Secretary of Labor, during which she had some much-publicized experience with the laws she would be administering if confirmed as the Wage and Hour Division Administrator.

I have to tell you, Mrs. Bowland, that I am troubled by your public position that you have repeatedly taken regarding the prevailing wage laws. I would like to spell out some of my concerns and hope you will be able to respond to them in your statement.

After you were appointed Secretary of Labor, you testified during the 1980 session of the Louisiana Legislature in favor of repealing the State prevailing wage law. You gave a speech at Shreveport on September 26, 1980, while acknowledging the Governor had asked you to administer the prevailing wage law, and 2 months prior to the promulgation of the regulations

sought by the Governor. Instead you unequivocally stated: "Let me say at the outset that I believe prevailing wage should be repealed."

You made similar statements and speeches to the Greater New Orleans Business Round Table on January 29, 1981. Again on June 10, 1981, you testified before a Louisiana Senate Committee in favor of repealing the prevailing wage law. The Governor's preferred approach, regulations, were barely on the books for 6 months, yet you were actively advocating repealing the entire law. Your own testimony at that hearing deeply troubled me.

I have the videotape and complete transcript of your June, 1981 Senate testimony and of your June, 1982 House testimony, and will make them available for any interested Senator. I provided a copy to the Department last week, so that you would have an opportunity to review it. I won't go into the whole transcript. but several statements you made particularly trouble me.

The first is, and I quote, "It is my opinion that it is not the province of the State to enter into negotiations for wages between employers and employees." For over 50 years we have had laws on the books, laws you would be charged with enforcing, which do precisely that. The majority of Americans believe it is the province of Government to interfere in the free market to require that an employer pay a minimum wage, to require that he pay overtime, to require that Federal contractors pay the prevailing wage for the work to be performed.

Enforcing these wage rights is the heart and sole of the job for which you have been nominated, yet you have testified that you do not believe that these are proper functions of the Government. At that same hearing you repeatedly stated, "The law was an administrative nightmare and ought to be appealed."

When Senator Hank Braden suggested that you come up with a workable alternative to fix the law, you simply responded that the law should be repealed.

When Senator Keith pointed out that both you and the Governor had agreed the law could be changed administratively, you replied, and I quote, "I do believe that a law that is that ambiguous should be repealed. I am here this morning to say that I believe that the law itself should be repealed."

When Senator Jumonville asked you why these corrections should not be left to the Governor and his Labor Secretary, "Why not leave the flexibility to the administration," you replied, and I quote, "I do not believe the administration should be in the process of setting the wage rates for certain categories of employees or should be in the process of setting classifications for the construction industry. I believe that it should be left open to a free bidding process and is not the jurisdiction of State Government."

Mrs. Bowland, doing precisely that would be your job, and given your strong convictions at the Government should not be performing that task, you can see why I and others have doubts as to the appropriateness of your nomination to this particular job.

In February, 1982 you resigned as Secretary. On June 11, 1982, you testified before a Louisiana House Committee, representing the Committee to Repeal the Prevailing Wage. You again vigorously presented testimony urging outright repeal of the prevailing wage law.

I admire your deeply-held convictions. Reasonable people can disagree with what is good policy and what is good law, but the law of the land is that there are prevailing wages which must be paid for Government contracts. The position you seek would be responsible for enforcing, interpret-

ing, deciding, regulating and administering these public policies with which you so vigorously disagree.

That the State of Louisiana ultimately succumbed to your crusade to repeal the law is irrelevant. The voters in my home State recently rejected a similar referendum campaign by a wide margin.

What is relevant is that you are asking to be confirmed to enforce a law virtually identical to one you decried as an administrative nightmare which must be repealed. What is relevant is that, even while your Governor sought to reform the law rather than repeal it, you led the charge for its repeal. What is relevant is that when your superior disagreed with your deeply-held conviction that the law should be repealed, you threatened to resign.

What is relevant is that the job which you seek has an enormous amount of discretion, an enormous amount of responsibility in carrying out the very interference in the free market which you believe is anathema to your views as to what constitutes good government.

These are some of my concerns, and I hope your testimony today can adequately address them.

Senator Hatch.

Senator HATCH. Thank you, Mr. Chairman.

I want to speak briefly but strongly on behalf of the nomination of Mrs. Debra Bowland to become the Administrator of the Wage and Hour Division of the United States Department of Labor. I have personally reviewed Mrs. Bowland's record of public service closely, and I can find no documentation whatsoever that would warrant rejection of President's Bush's nominee.

In contrast, this looks to me like a record of public service is a record deserving of praise and appreciation.

For instance, Mrs. Bowland has served as Secretary of Labor in her home State of Louisiana. My review of her accomplishments there indicates that she did an outstanding job. At a time when national unemployment rates were tragically high, and Louisiana's unemployment rate was even higher, Mrs. Bowland's administration of the Labor Department took her State from a position 49th to 1st.

Excuse me. I got that wrong. No, I didn't, it is 49th to 1st—that is hard for me to believe—among all the States, in placing unemployed individuals into jobs through the Employment Service. Now that is an amazing record. That is just the kind of person we ought to have in this job. By the way, if that is not a measure of distinction for any State Secretary of Labor, regardless of party, I can't imagine what an official with responsibilities for the welfare of all workers must do to gain our thanks and our admiration.

On looking further into her record in Louisiana, I find that she put together a joint training program, securing for the first time programmatical cooperation between the State's Commerce, Labor, and Education Departments. I surely think we could use a lot more of that type of cooperation at the Federal level, as well as in every other State.

Here in Washington, I am assured that Mrs. Bowland has persisted in her efforts to obtain cooperation among the branches of Government. Most recently, she has facilitated the cooperative efforts of OSHA and the Public Health Service in the development of a precedent-setting regulatory proposal to protect health care workers from exposure to AIDS and other blood-borne diseases. Mrs. Bowland was instrumental in carrying this initiative forward.

In sum, I can find no reason to reward a dedicated public servant for this type of outstanding service by turning thumbs down on her confirmation. Mr. Chairman, the case for Mrs. Bowland's confirmation is strong. The case against it is weak at best, if it exists at all. She is going to have my strong

support, and I think she deserves the support of each of these on this committee.

But before I conclude, Mr. Chairman, I just want to say that last week I received three letters which confirm my belief that Mrs. Bowland would be a fair and effective manager in managing the enforcement program of the Wage and Hour Division. The first letter is from Secretary Dole, and I would just like to read from that letter because I think it is an important letter:

Dear Mr. Chairman:

I want to convey to you my wholehearted support for the nomination of Debra Bowland to be the Administrator of the Wage and Hour Division at the Department of Labor.

Of all the people interviewed for this position, Mrs. Bowland stood out as the candidate most qualified for the job. If confirmed by the Senate, I firmly believe that her abilities and experience, and most especially her dedication and integrity, will make her an outstanding Wage and Hour Administrator.

She also has the endorsement of the bipartisan Coalition on Women's Appointments.

When I arrived at the Department, Mrs. Bowland was the Deputy Director of the Women's Bureau, having worked previously in the Office of Policy and the Employment Standards Administration. Her accomplishments in those positions include directing the start-up and marketing of the Work and Family Clearinghouse, authorship of key chapters of the Secretary's Child Care Task Force, as well as advising on many important policy and regulatory decisions. For instance, she played an instrumental role in the development of the precedent-setting regulatory proposal to protect health care workers from exposure to AIDS and to other blood-borne diseases.

Most recently, as Acting Director of the Women's Bureau, Mrs. Bowland directed the Presidential Task Force on Liability Insurance as a Barrier to Employer-Sponsored Care.

There is no question in my mind that Mrs. Bowland is uniquely qualified to be the Administrator of the Wage and Hour Division. We would be fortunate indeed to have someone of her quality serving in that position. I sincerely hope that after the hearing, you and the committee members will share my views about her.

Thank you for your consideration.

That is a strong letter.

The second letter is from the president of the Louisiana State Senate, Allen Bares. He says:

Dear Senator Hatch:

I am very pleased to note that Mrs. Debra Bowland has been nominated by President Bush to be Administrator of the Wage and Hour Division of the Department of Labor.

I have served in Louisiana Legislature since 1972, and I have had the opportunity to have worked with several different Secretaries of Louisiana's Department of Labor over the years. Mrs. Bowland served as Secretary of Labor for 2½ years during Governor Treen's administration, and did an outstanding job as Secretary of the Department of Labor. She was always fair and conscientious in applying Louisiana's labor laws, and attempted to do all that she could do to balance the equity between Louisiana's employees and Louisiana business.

As Secretary of the Department of Labor, Mrs. Bowland, was charged with the responsibility to enforce Louisiana's Labor laws and, in particular, Louisiana's Prevailing Wage Law. She worked very diligently to fairly enforce the law, and supported numerous changes designed to strengthen Louisiana's prevailing wage laws during the time that she was Secretary of the Department of Labor.

The Louisiana Prevailing Wage Law was finally repealed in 1988 by the Legislature, because of its difficulty in being applied and enforced. Many efforts had been made over the years to change the law so as to present a balance between employees and the contractors bidding on State work.

I have no hesitancy in recommending Mrs. Bowland's confirmation as Secretary of the Wage and Hour Division of the Department of Labor. She will serve in that capacity with great distinction.

Respectfully submitted.

Finally, the third letter is from Local 270 of the International Brotherhood of Teamsters Union out of New Orleans, and that is a letter from Michael Ledet. He says:

Dear Senator Hatch:

I understand that Mrs. Debra Bowland is up for confirmation as Wage and Hour Administrator.

I would like to go on record as not opposing her confirmation. I have indeed enjoyed good relations with her office, and feel certain that she would be a good and impartial administrator.

With best regards. . . .

Each of those letters has in common an assurance that Mrs. Bowland has been fair and even-handed in her role as an official in the Government, so I would ask that those letters also be included in the record, along with my statement, if you will, Mr. Chairman.

The CHAIRMAN. They will all be included in the record.

Senator HATCH. Thank you.

The CHAIRMAN. Senator Metzenbaum.

Senator METZENBAUM. I have no opening statement.

The CHAIRMAN. Senator Adams.

OPENING STATEMENT OF SENATOR ADAMS

Senator ADAMS. Thank you, Mr. Chairman.

Good morning, Mrs. Bowland. My being here this morning is because the position of Administrator of the Wage and Hour Division of the Department of Labor brings with it a considerable amount of responsibility. I might say that I have received calls both for and against your candidacy.

One of the things, though, that I am very concerned about, and why I am here this morning, is that we must have in a position as administrator—and I speak from experience within the executive branch, of dealing with a number of administrators whom I had as sub-administrators below me as Secretary—that we must have people who are willing and able to enforce both the letter and the spirit of the law, because any time the Congress passes laws that require the exercise of discretion on the part of the enforcing authority, we run the risk of having that discretionary authority abused or distorted.

I might state that our concern, Mrs. Bowland, is that we have had experience with this in recent years, where the law has been avoided by simply not being enforced, or somebody having a position in which they believed something very different than the law said. That is one of the reasons that the Congress, in this oversight responsibility which we are exercising now, has the responsibility in these confirmations that we examine both the experience and the opinions of the nominee.

In reviewing your qualifications before the committee today, I find no shortage of examples of significant contributions both to our two-party system, to your community, and to Government on a local level and also on the Federal level. But it is clear to me, Mrs. Bowland, that though you are a talented and very accomplished individual—and I have no quarrel with that—my concerns are limited to the issue of whether you are committed to full and fair enforcement of the law as it now exists, and your previous professional activities in advancing the so-called right-to-work law in Louisiana—and that is a State law matter but in my State, for example, that has been rejected resoundingly by the people.

I am also concerned about your publicly-stated opposition to the prevailing wage laws which you will be administering, which suggests a bias that might undermine your ability to serve as an impartial administrator in a sensitive position. Once again I would state I have had experience with that, where I have had administrators not follow the policy or the law as it was given to us.

My presence here today is an indication of my interest in hearing directly from you regarding your attitudes and your opinions regarding these matters, and I will state candidly that a large number of men and women from the labor movement in my State have contacted me in recent days, asking that I oppose your confirmation outright, or at the very least examine your qualifications very closely before casting my vote. I intend to the latter. I look forward to hearing from you, and will have some very specific questions on my own as the hearing proceeds.

Thank you very much, Mr. Chairman, for the opportunity to have this hearing this morning, and I look forward to hearing from Mrs. Bowland. Thank you.

The CHAIRMAN. Senator Jeffords.

Senator JEFFORDS. I have no opening statement, Mr. Chairman.

The CHAIRMAN. Senator Thurmond.

Senator THURMOND. Mrs. Bowland, we are glad to have you with us.

I would like to commend you for holding this hearing, Mr. Chairman, on the nomination of Debra R. Bowland to be Wage and Hour Administrator at the United States Department of Labor. Mrs. Bowland is a fine nominee, and I am pleased that she will have the opportunity to present her qualifications for this position to the members of the committee.

Mrs. Bowland is well acquainted with the operations of the United States Department of Labor. She has served as a Special Assistant to: the Assistant Secretary of Policy, the Deputy Under Secretary for Employment Standards, and the Assistant Secretary for Vocational and Adult Education. She has also been a member of the Federal Labor Relations Authority.

A native of Louisiana, Mrs. Bowland served with distinction as the Secretary of Labor of that State. During her tenure, she established many innovative programs from which that State has received much benefit.

Mr. Chairman, I cannot imagine a better qualified nominee for this position than Mrs. Bowland, and I hope this will not be a partisan matter before this committee. I hope that this situation will not turn into a fight like it did on John Tower and other nominations. There is no excuse for not approving this lady. I strongly support her nomination. This committee should act promptly, and should approve her nomination.

The CHAIRMAN. Thank you very much, Senator Thurmond.

Mrs. Bowland, would you like to make whatever comment you wish to?

STATEMENT OF MRS. DEBRA R. BOWLAND, NOMINATED TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION AT THE UNITED STATES DEPARTMENT OF LABOR

Mrs. BOWLAND. Mr. Chairman, Senator Hatch, other members of the committee, I am delighted to be here this morning to discuss my nomination as Administrator of Wage and Hour. It is a tremendous honor to have been nominated by the President and I pledge, if confirmed, to vigorously and fairly and impartially administer the laws under the jurisdiction of Wage and Hour.

I have spent most of my life in State and Federal Government, working with Department of Labor programs. I have been attracted to jobs where I can work to protect workers' pay and benefits, while at the same time seeking to preserve jobs available to them and expand those job opportunities in the private sector.

As the first woman, and the first Republican Secretary of Labor in Louisiana in over 100 years, my agenda as Secretary of Labor was driven by the

need for training for the workers of Louisiana and a top priority in those recession times—to prevent the bankruptcy of the Unemployment Insurance Trust Fund. I am deeply concerned about the working people of the State of Louisiana and of the United States.

I spent the first 30 days as Secretary of Labor meeting every individual employee in the Department of Labor, all 1,800 of them, to talk with them about the things that they felt needed to be done in the Department. I have great and deep respect for the civil servants that work in State and Federal Government, and I always listen to their concerns about the direction and the management of the agencies where I work.

During my administration, I believe I accomplished many things for the workers in Louisiana, and I think I managed the department extremely well. While I was Secretary of Labor, I did administer many programs: The Unemployment Insurance Program, Job Service, CETA—that was manpower programs in Louisiana—Boiler and Barber boards, the Governor's special discretionary grant funds, innumerable programs in that local department.

One of those programs was the Louisiana Prevailing Wage Division. It was a relatively small portion of my responsibility as Secretary of Labor. Of the 1,800 people in the Department of Labor, there were five FTEs that worked in the Prevailing Wage Division. I do not say that to deemphasize the importance of the division, because I felt it was a very important division, but to say that my entire—it wasn't a crusade. I was there to administer the law, and I administered the law impartially in all the programs in the department.

The vast majority of this hearing today seems to center on what I did with the Louisiana prevailing wage law, and I do want to directly talk to you about that law. One of the things that I did, and I am very proud of that, was that I indeed promulgated the first official rules dealing with prevailing wage, both for the workers and for the compliance officers and the employers, so they all understood what was going on in that department.

In many instances when we were promulgating those regulations, we looked to the Federal Davis-Bacon to find out how a prevailing wage law could indeed be administered well. We utilized parish/county lines as the area in which prevailing wage should be established. We established wage surveys, the very first wage surveys that were ever taken in Louisiana to determine prevailing wages, and we established complaint procedures for Louisiana workers and made certain that workers understood how to file complaints with the Department of Labor.

I am very proud of my accomplishments at the department, and I will go into the prevailing wage, the reasons that we worked for repeal, why we administered the law as well as we did, shortly.

Since November of 1985 I have worked at the Federal Department of Labor, and I think it has been pointed out that I worked in Employment Standards, in the Office of Policy, and I have also worked in the Women's Bureau, and I think we have done many exciting things.

I am very proud of the fact that I was part of the promulgation and the coordination of the Advanced Notice of Proposed Rulemaking for health care workers on blood-borne diseases.

I am extremely proud of the fact that at the Women's Bureau we have worked on safety and health issues for women. That is the first time we have really looked at those issues.

I have been very happy that I have been able to be a part of advancing demonstration projects and grants which are so good for women, and give them the opportunity for increased kinds of training and job opportunities. In

1989, as a matter of fact, we have reestablished linkages with labor union organizations and labor tradeswomen by holding a conference in Chicago to set up a network, a tradeswomen's network.

I think it is important for us to represent all the workers in this country. I think that has always been one of my emphases, that Government must be responsive to union and nonunion workers alike, and I have always worked to do that.

But being a public servant, my most honest answer is a tremendous honor and a tremendous responsibility for all concerned citizens. We must get involved in Government. If I am indeed confirmed as administrator—and oh, I hope you will confirm me—I will give the same kind of fair and impartial enforcement of the law as I have always given in the administration of the law. I will work to represent all the interests of workers across the country.

Having worked in ESA several years ago, and working on the same floor with Wage and Hour employees now, I have developed deep respect for the employees in that division. Their dedication and commitment to the critical laws under the jurisdiction of Wage and Hour is impressive, and I will indeed immediately set out to listen to their views, as I did in Louisiana.

Initially I believe it is going to be essential to review regulations and procedures to make certain that they are current under the law, and to determine absolutely that we are enforcing the law in an efficient and an effective manner. I am also certain that voluntary compliance in the employer community could be improved through education.

I will immediately undertake a review of computerization to enable compliance officers to do their jobs better, that they have the tools to work with modern-day employers. You know, employers across the country have all their wage records computerized. I think it is important for us to have computers so we can access that information.

It is essential that we follow through with the development and the implementation of the automation system in Wage and Hour.

One of the things I am very concerned about is the issuance of accurate and timely wage determinations. I believe by finishing and making certain there is follow-through on the automation system, that we can ensure timely wage determinations and updated collective bargaining agreements. Training will also be a high priority for me with compliance officers, to ensure that we maintain effective enforcement.

Let me restate, before I get into prevailing wage, how very pleased I am to be here and what a tremendous honor it is to have been nominated by President Bush as Administrator of Wage and Hour, and I would like to directly talk to Senator Kennedy and to those of you who are concerned about my position on prevailing wage in Louisiana.

First of all, let me state that throughout Governor Treen's campaign—and I was involved in that campaign and watched what he said—it was his position that the Louisiana prevailing wage law should be repealed, and if that repeal was unsuccessful, that the law should be administered well.

Throughout the time that I served as Secretary of Labor in Louisiana, I worked to carry out that platform, and had the complete and total support of Governor Dave Treen in all the actions that were undertaken as Secretary of Labor. Each of those actions was discussed thoroughly and completely with the Governor, and I never did anything contrary to the policy of the Governor.

Second, let me say that I am not—and let me repeat—I am not in favor of the repeal of all prevailing wage laws. I support the concept of prevailing wage, if indeed it is a ceiling, a wage ceiling below which wages cannot

fall, in order that there is no adverse effect on local communities when the Federal Government is doing work on those contracts, and that it does not adversely affect the wages of workers.

The Louisiana law was a very, very different law. Comparing those two laws is comparing apples and oranges, I would like to tell you why.

In the Louisiana law, number one, there was no definition of prevailing wage, and we worked long and hard to look at it. All there was in the statute was a comment: "You must consider Federal Davis-Bacon wage rates. You must consider collective bargaining wage rates. You must consider surveys of people doing like work in a given community; and you must consider anything pertinent to that, anything pertinent or relevant to that decision."

Then there was nothing, not in the statute nor in a regulation, that said what that prevailing wage was. So what that meant was that a Secretary of Labor could consider and then make whatever decision he wanted.

I could have, as Secretary of Labor—I did not, but I could have—as Secretary of Labor simply said, "I think I will raise the prevailing wage rates in Louisiana by $5 an hour, because I think that the Consumer Price Index or the National Wage Rate Averages or anything indicate that we ought to raise them all by $5 an hour." Or I could have—but I didn't—in Louisiana lowered all of the wage rates by $3 an hour.

What I chose to do instead was to take accurate wage surveys to determine what the prevailing wages were in a given locality, which is exactly what we do in Davis-Bacon, to set a wage rate that does not adversely impact the workers of the local communities

Second, in Louisiana there was no appeals process to a wage determination. Only an agency who had received a wage determination that they thought was too high could appeal the wage determination. A worker group or a workers' interest could not appeal that wage determination, and perhaps even worse than that, there was no appeals process except to the Governor, who appointed the Secretary of Labor. He had no judgment upon which to rely, except the Secretary of Labor.

In Davis-Bacon, things are very, very different. There is an appeals process. In Davis-Bacon, there is a prevailing wage definition that says a majority of workers receives the rate in that given locality, or if there isn't a majority, a weighted average. Those things did not exist.

I was working under the policy of the Governor. I administered the law well. Even in those hearings, in the transcripts you listened to, Senator Kennedy, not one person said I hadn't administered the law extremely well. In fact, what they said was, "It is being administered well. There is no more need for repeal."

I have never, ever not upheld my oath of office. If a law is to be enforced, even if I disagreed with the law—and I am saying to you I do not disagree with Davis-Bacon—but even if I did, I would uphold the law and I would fairly and impartially do so, and I don't think I have ever done anything that disputes that fact.

The free enterprise statement seemed to bother some of you. One of the purposes of the Louisiana prevailing wage law—and I will always put everything I have said in the context of the Louisiana prevailing wage law, it does not apply to Davis-Bacon—but in the Louisiana prevailing wage law, even in the committee reports, one of the prime purposes was to preserve the competitive edge or the competitive bidding for union contractors. I don't think that is the purpose of a prevailing wage law, and I said so in Louisiana.

I don't believe that free enterprise means letting people do whatever they want. I have never said that. I also believe that the American people, through their elected representatives, have every right to regulate that market. They have done so in Davis-Bacon, and I will uphold that law.

What I do believe is against the free enterprise system, however, is a law like the Louisiana prevailing wage law which blatantly—blatantly—subsidized wages for special interest groups, which set inflationary wage rates arbitrarily and capriciously. It was a flawed law. It was a very different law from Davis-Bacon, and in no way can be construed to be my position on Davis-Bacon.

If confirmed as administrator, you have my word that I will fairly and impartially and vigorously enforce the law. I look forward to hearing your comments about wage and hour, and I thank you very much.

[The following information was supplied by Mrs. Bowland:]

COMPARISON OF THE LOUISIANA PREVAILING WAGE LAW WITH THE FEDERAL DAVIS-BACON ACT

There are many similarities between the two laws.

There are also important differences. Summarized below are several major differences, involving both the statutes themselves, and the very different regulatory and administrative environments in which they operate.

1. *Regulatory atmosphere:* The regulatory atmosphere in Louisiana is very different from that in the Federal Government, where elaborate procedural requirements ensure that rule making takes time—often considerable periods of time.

   In Louisiana by contrast, regulations could be promulgated or repealed very quickly and without the very structured (and time-consuming) opportunity for comment that accompanies Federal rulemaking. In less than 6 weeks, rules could be changed, or withdrawn, or replaced with new rules.

   In 1980, Mrs. Bowland attempted to "fix" the Louisiana prevailing wage law by publishing the first-ever official regulations to govern the laws operation, as well as administrative reforms which provided for:

   (1) Surveys to be taken to determine wage rates paid in a given locality
   (2) A prevailing wage definition, that is, the rate paid a majority of workers in a classification
   (3) Area to be defined as parish (county)
   (4) Complaint procedures to provide worker protection

   As predicted, the 1980 regulatory and administrative "fix" of the flawed Louisiana law, which was widely recognized as a major improvement in its administration, was changed by succeeding secretaries of labor.

2. *Definition of prevailing wage:* The Louisiana law lists four criteria which "shall be considered" in wage determinations. These are: (1) Collectively bargained rates; (2) U.S. Davis-Bacon determinations; (3) wages actually paid for the same or similar work in the same or similar area; and (4) "any other pertinent data or fact that he (the secretary of labor) may deem relevant and proper."

   The amount of discretion or "judgment" which was available under the Louisiana law is clearly demonstrated in a letter from the General Counsel of the Louisiana Department of Labor.

   According to the General Counsel on February 14, 1980, the prevailing rate in Louisiana is "a judgment as to which rates are prevailing in the area . . . and that should be" the "official determination." He said that when Federal Davis-Bacon rates are not available which reflect what the Commissioner believed to be "prevailing wages"; when negotiated collective bargaining rates do not accurately reflect "prevailing wages" because most work is being performed outside collective bargaining agreements; and when no surveys are taken by the Department to determine what is prevailing; the Commissioner should use his "judgment." His judgment could include consideration of the consumer price index, under the table payments, and national wage rate averages.

   While the Davis-Bacon statute has no comparable language, long-standing regulations spell out criteria that, in some ways, are very similar to those in the Louisiana statute.

   However, the defining difference is that: neither statute nor regulation in Louisiana defines the prevailing wage.

Neither regulation or statute effectively delimit the discretion of the labor secretary to adjust wages up or down; Davis-Bacon regulations do have such restraints. At 29 CFR 1.2(a) prevailing wage is defined as "the rate paid a majority of the workers in a classification, or, if there is no majority rate, the weighted average of the wages paid."

Put differently, the Louisiana law requires only that the State Labor Secretary consider the named factors; but it allows the Secretary to disregard any of these factors in the final wage determination.

Davis-Bacon lists many factors that the U.S. Secretary may consider; but it goes on to *require* that a prevailing wage determination be made, finally, on the more precise basis of majority rates, or weighted averages—that is, on the legal definition of "prevailing."

3. *Rights of appeal:* The Louisiana law limits appeal from wage determination in two ways:
— First, it permits appeals only when a contracting Government agency objects to a wage determination (that is, when the agency thinks the wages are too high). It does not provide for appeal by worker interests who might think a wage is set too low.
— Second, it allows only for appeal to the Governor when a wage determination is contested. There is no recourse from the Governor, who will be expected to rely on his labor secretary's facts, and conclusions.

In contrast, under Davis-Bacon, any party at interest may appeal a wage determination thought to be adverse (e.g. a union may appeal a determination it believes is too low) and such appeals may be made through the Wage Appeals Board.

4. *Area coverage of prevailing wage determinations:* The Louisiana law speaks of wages to be determined "to be prevailing in the area." The Davis-Bacon Act, instead of the vaguer work "area" uses the designation city, town, village or other civil subdivision of the State in which the work is to be performed. . . ."

The more precise wording of Davis-Bacon provides a basis in the statute for ensuring that urban wage scales are not used to distort rural wage determinations. No such protections are provided in the Louisiana law

5. *Survey confidentiality:* According to the Attorney General of Louisiana, (January 27, 1982) the lists of contractors surveyed by the Commissioner of Labor for purposes of establishing the prevailing wage and the lists of those who actually responded, together with all information derived therefrom, are not restricted from public access under any exception to the Public Records Law. This effectively destroyed the ability of the Louisiana Labor Department to conduct legitimate surveys to determine prevailing wage.

Under Davis-Bacon, survey information is protected under the Freedom of Information Act. No lists of contractors or actual payroll records are released.

The CHAIRMAN. Thank you very much for your statement and the review of both your responsibilities currently and also in Louisiana.

I think at the outset of this part of the hearing, I would certainly hope that you would recognize that I, and I think as expressed by other Members, have very high regard and respect for your commitment to public service.

Mrs. BOWLAND. Thank you.

The CHAIRMAN. And I say that very sincerely, both in terms of the State Government and also the Department of Labor. Clearly, as Senator Hatch has pointed out, an impressive record has been achieved in certain aspects of your responsibilities in Louisiana, as well as in some of the areas which you have mentioned. We respect the work that you are doing in the Department in terms of the Women's Bureau; what you evidently had done with unemployment down in Louisiana; and the promulgation of health and safety regulations dealing with AIDS.

But quite frankly, that is not what you are being considered for here at this hearing this morning. This is not a referendum on whether you are committed to public service and have been effective in some of those responsibilities. This is a very specific job description in the administration and the enforcement of prevailing wage. That is what is in the statute. When we look at what the job description is, it is basically enforcement in the area of prevailing wage.

I will put this job description in the record and not take the time to go through it, but enforcement of these statutes is the primary target of this particular position. So it is reasonable for us, I think, to seek out both your own views, whether you were in fact just performing what the Governor wanted,

or whether those really represent your own deep-held philosophical views which I would certainly respect. As members of these committees, you know, we have differing views on different issues, and I respect them. We try and work out those differences. Sometimes we can; sometimes we can not.

[The information referred to follows:]

Wage and Hour Division

The Wage and Hour Administrator is responsible for planning, directing, and administering programs dealing with a variety of Federal labor legislation. These programs are designed to:

—protect low-wage incomes as provided by the minimum age provisions of the Fair Labor Standards Act (29 U.S.C. 201);

—safeguard the health and welfare of workers by discouraging excessively long hours of work through enforcement of the overtime provisions of the Fair Labor Standards Act;

—prevent curtailment of employment and earnings for students, trainees, and handicapped workers;

—minimize losses of income and job rights caused by indebtedness; and

—direct a program of farm labor contractor registration designed to protect the health, safety, and welfare of migrant and seasonal agricultural workers.

The Wage and Hour Division is also responsible for predetermination of prevailing wage rates for Federal construction contracts and federally assisted programs for construction, alteration and repair of public works subject to the Davis-Bacon (40 U.S.C. 276a) and related acts, and a continuing program for determining wage rates under the Service Contract Act (41 U.S.C. 351). The Division also has enforcement responsibility in ensuring that prevailing wages and overtime standards are paid in accordance with the provisions of the Davis-Bacon and related acts: Service Contract Act, Public Contracts Act, and Contract Work Hours and Safety Standards Act.

The CHAIRMAN. What you say this morning has to be balanced, I think, between not only what you were doing in the Department as a loyal employee of the Governor, and what were really your views in that period of time. That is why I think it is not inappropriate to point out that right after you resigned as Secretary, you went to work for a committee and spent a great deal of time in that State seeking the repeal of prevailing the wage. I think it is fair, when we are looking at this matter, to have a real understanding of what your basic and fundamental views are.

Second, I would like to get into the real comparison between the Federal and the State law, because you have made a very strong, continuing, powerful statement about the difficulty in administering the State law. No one could listen to that and not believe you. But if you had those kinds of problems with the State law, and listening to your conviction on that, it is extremely difficult for me to believe that if you laid the State law and the Federal law side-by-side, that you are going to be able to find the kind of distinctions which you feel exist. The distinctions simply are not there which will permit you on the one hand to have advocated the repeal of the State law, yet allow you to support the Federal law and implement it in a way that is going to ensure the protection of the workers. I find that extremely difficult, personally.

Having heard you mention that this morning, I find it even more difficult, at least speaking as this individual, to support you for this position. Let me just go through it because maybe you will be able to clear this up. I will ask for some additional time. I only have two areas, and this is one of them. There is one other area just with regard to—I mean, it may not be necessary given your other kinds of statements. Maybe we can resolve my concerns with this line of questions, so I will ask for the time on what I have just said, which is 3 or 4 minutes, plus an additional 10 minutes. I will give the same to the minority and then we will move along.

Looking at the Louisiana law and the Federal law, the colors on the side-by-side chart indicate virtually identical language. Of course, the Federal law has had many regulations promulgated, which respond to a lot of the things which you mentioned here this morning. But you, quite frankly would have been empowered to have promulgated these same regulations in Louisiana.

You mentioned what the Governor's position was in terms of repeal, and that you advocated that, but you didn't mention that his position changed when he withdrew that request for repeal and recommended administrative changes. I think that is relevant in understanding your own position during that period of time.

Now if you take just the Louisiana law, number one, the very top, it says the specifications for every contract in excess of $25,000. The language in the Federal law, advertising specifications for every contract greater than $2,000, virtually identical.

The second provision, the types of contracts and projects that are covered, in Louisiana for construction, alteration, and/or repair, including painting and decorating of public buildings or public works of the State of Louisiana or any of its agencies. The Federal law: Construction, alteration, and/or repair, including painting and decorating of public buildings or public works of the United States or the District of Columbia. Virtually identical.

Third, the type of workmen that are to be covered under the Louisiana law: "which requires or involves the employment of workmen, mechanics, and/or laborers." Federal law, "which requires or involves the employment of mechanics and/or laborers." Virtually identical.

The fourth, what the minimum prevailing wage to be paid to workers should be based on. The criteria: The Louisiana law, the provisions State: "The minimum wage to be paid various classes of workmen, laborers, mechanics on any such job shall be based upon the wages that will be determined by the Commissioner of Labor of the State of Louisiana to be prevailing in the area." The Federal: "shall contain provisions stating the minimum wage to be paid various classes of laborers, mechanics, which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing." Almost identical language prevailing for the corresponding classes of laborers and mechanics.

The fifth area, what are corresponding workers and projects on which to base prevailing wage. Louisiana: "On projects of a character similar to the contract work in the area in which the contract is to be performed." Federal: "Projects of a character similar to the contract work in the city, town, village, or other civil subdivisions of States in which work is to be performed."

Those elements are the heart of the State of Louisiana's law and the Federal law, and they are virtually identical, almost to the word. Each law is there, nothing more. I mentioned some of your comments on this law in the opening statement. We can repeat those statements, and will include the transcripts of your prior testimony in the record. But given your repeated testimony, repeated speeches, repeated statements, not only as Secretary of Labor, but then subsequently when you were the principal advocate for the Committee to Repeal the Prevailing Wage, how can any of us really have confidence that you will perform that job?

[The statement referred to follows:]

PREVAILING WAGE HEARING

Testimony of Mrs. Debra Bowland, Secretary of Labor

before the Louisiana Senate Labor Committee

June 10, 1981

PROCEEDINGS

Mrs. BOWLAND Begin?

Last year, during the 1980 Legislative Session, I testified that the prevailing wage law was extremely difficult to administer. It was ambiguous and the law itself should be repealed.

However, the decision of the legislature and the governor's office was to try to administratively solve the problems that were inherent in that particular law.

In light of that decision, it was hoped that until the law was repealed, fair administration of the law would alleviate some of those problems. I am convinced that fair administration of the law has begun. One year has been spent in administering the law.

However, problems with the administration of the law and the vagueness of that particular law remain today. I would like to reiterate today that previous testimony that prevailing wage is an administrative nightmare, it is ambiguous and the law should be repealed.

I would like to point out that whether or not one agrees with the present administration of the law, the law itself has in no way been changed.

There remain today four criteria as mandated by this body which can be interpreted by any Secretary of Labor in any fashion so desired by that Cabinet head.

The law states in no way how the criteria should be applied or how a determination should be made. Currently there is no appeal—except to the governor.

In fiscal year 1979–80 there were approximately 925 determinations on State construction projects which were covered by prevailing wage, and they cost about $275 million.

About 40 percent of that total was labor costs, about $110 million—the recent wage survey made by the Department of Labor represented 65 percent of the Louisiana work force, and it showed that labor costs on State projects were inflated by approximately 15 percent. This will mean the next fiscal year that the taxpayers of Louisiana will save approximately $17 million.

It is feasible that if future Secretaries of Labor change the method of calculating the rates—and I point out one more time that it can be done at any point—and return to the old methods of issuing determinations which make wages higher than those prevailing at a given locality—not only will it once again increase the cost of State projects, but it will also tend to have an inflationary impact on the construction industry and the State's economy as a whole.

In addition, the law presents a distinct problem because of its effect on competition. Many non union contractors have told me that they could not bid on State projects because of the high wage rates and the classifications previously set by the Department of Labor.

This problem exists, as well, for union contractors when wage rates are set which are lower than collective bargaining rates. These contractors employing higher paid workers, are placed at a significant competitive disadvantage unless they are able to otherwise absorb the higher wage costs.

It is my opinion that it is not the province of the State to enter into negotiations for wages between employers and employees. It should be remembered that the principal objectives of the law was to maintain local wage structure and not to raise or lower wages on the basis of rates prevailing in other areas.

Another administrative problem in the law is determining what classifications should be set. It should be remembered that there are different work practices between union and non union construction companies—or the difference between union classification and multi craft workers.

Should the Department of Labor be in the business of settling jurisdictional disputes? Is it the business of State Government to pre-ordain certain classifications and work practices for the contractors of Louisiana?

The only reference to the area to be considered in these determinations is in the locality. Previous administrations used union jurisdiction. Currently, guidelines were passed by the Department of Labor which state that parish determinations will be used—because it was believed that parish boundaries were large enough to yield an adequate factual basis for each determination, yet small enough to reflect the wages and practices of the area surrounding the location of that proposed project.

In the past, the Department has gone beyond the parish in which the project was located with the result that rates from areas having different labor conditions have applied.

This procedure . . .

(NOTE: Gap in tape here)

I would like to point out that administration under either of these administrative systems does not change the ambiguity in the law. That a poor law remains on the books and that the law should be repealed.

In today's crunch of inflation and with massive public protests against governmental spending, there can be little reason to continue using a system that adds millions to Government costs which must ultimately be borne by the taxpayer.

Thank you.

CHAIRMAN. Thank you, Mrs. Bowland. Are there any questions of Mrs. Bowland? Senator (Inaudible).

QUESTION BY SENATOR. Mrs. Bowland, did I understand you to say at the beginning of your presentation that by having the prevailing wage law here in Louisiana, that we spent approximately $17 million more for public buildings that the State constructed this past year that we would have spent had we not had the prevailing wage?

Mrs. BOWLAND. Yes; what I said was we took a wage survey that we'll start using those determinations next week, that 40 percent of the money spent was in labor costs last year on those State projects covered by prevailing wage.

From our surveys, it's been determined that 15 percent of that money—or approximately $17 million—was an inflated cost that will not be paid in the coming fiscal year.

The point of that comparison is that any time any Secretary of Labor so determines, that method of calculation can be changed—but there is no formula, there is no set criteria for making those determinations. So, yes.

CHAIRMAN. OK, Mrs. Bowland. Senator, are you finished? Senator Braden (?) and then Senator (Inaudible).

QUESTION BY SENATOR. Mrs. Bowland, it's fairly apparent that as Secretary of Labor, you have a great amount of discretion as he just said, in terms of administering this particular law.

Mrs. BOWLAND. Yes.

QUESTION BY SENATOR. And you estimate you're going to save us $17 million next year. It would seem to me that perhaps instead of trying to repeal the whole thing, maybe you should in the future present us with a formula that you think should be adopted that can become part of the law that we can deal with in succeeding administrations as opposed to just repealing the thing outright.

Mrs. BOWLAND. I believe that the law should be repealed, and I'd be real happy to work with you if you could come up with the formula the way it should be set.

CHAIRMAN. Senator Braden, Senator Keith.

QUESTION BY SENATOR. Mrs. Bowland, in the 1980 Legislative Session a bill was introduced that I understand it was the recommendation of the administration to repeal the prevailing wage law.

Mrs. BOWLAND. Uh huh.

QUESTION BY SENATOR. And then it was withdrawn, and then the next thing is I read in the newspapers that the governor and you had decided that the changes could have been made administratively. And this is what I read repeatedly.

Then we come back now in this Legislative Session with another bill to repeal the law. Where do you stand on the administrative changes?

Mrs. BOWLAND. The current law, no matter how it's administered—remains the same. The governor last year and this body decided that they would like to try to solve some of those problems administratively. What I would like to say this morning is even with good administration of the law, that the law itself is ambiguous, that there is no formula set for the criteria, how those criteria will be used—and I do believe that a law that is that ambiguous should be repealed, and I'm here this morning to say that I believe that the law itself should be repealed.

CHAIRMAN. Mrs. Bowland, let me ask you something—for the benefit of those in the back of the room that cannot hear you, would you mind speaking through the other microphone to your right and use the two together, please?

OK, thank you very much.

QUESTION BY SENATOR. The $17 million that you mentioned was the suggested savings to the State were the prevailing wage law repealed. What kind of data can you supply us to insure that instead of the working people getting this $17 million, that it's just not going to be increased earnings on the part of contractors?

Mrs. BOWLAND. I believe that any time there's a free bidding process, that the person who wins that bid is going to be the person who has the low bid on that contract, so I would assume that the contractors would not be the recipient.

The free bidding process says that the low bidder is going to get that particular bid.

CHAIRMAN. Thank you, Mrs. Bowland—any other questions? Senator Nelson?

QUESTION BY SENATOR. Do you have any idea what the cost of administering this program is; would there be a substantial savings to the State just by not having to administer it?

Mrs. BOWLAND. I think Tom Amana (?) has that figure—can I turn around and ask him what it is?

CHAIRMAN. Certainly.

Mrs. BOWLAND. Tom, what is it?

Mr. . Approximately $200,000.

Mrs. BOWLAND. I thank you very much.

QUESTION BY SENATOR. I'm not sure exactly what status you are with now, are you still with the Department of Labor, are you still the Secretary of the Department of Labor?

Mrs. BOWLAND. Yes, I am.

QUESTION BY SENATOR. Did you officially resign and then . . .

Mrs. BOWLAND. I met with the governor and he asked me to reconsider. We discussed our mutual goals for the State of Louisiana, and I am staying on with the administration, yes.

QUESTION BY SENATOR. So you never actually resigned.

Mrs. BOWLAND. No.

QUESTION BY SENATOR. Last year there was—and I'm using probably the wrong adjectives to describe the concern of many people as it related to argument of the prevailing wage provisions in our statute.

Last year there was quite a brouhaha about passing it and then all of a sudden the governor decided that he would not push it—and made the statement that the reason he did not was because he probably could handle that administratively.

Whether it is ambiguous, whether it is difficult, whether it is prudent to continue on with it I'm not completely sure. Can you enlighten me as to why he felt at that time or you felt or someone felt at that time it could be handled administratively, and now we are still back in trying to repeal it rather than doing that?

Mrs. BOWLAND. The governor asked that I try and give our every shot at making a fair determination through administration. I believe we are making very fair determinations.

However, the administration of the law in no way corrects the inherent problems in the law. After discussing it with the governor and looking at it very carefully, the determination on both the governor's part and my part is that the law should be repealed, that administration of that law in no way corrects those problems that are inherent in the law, and that anyone can administer that law in any fashion so desired by the Cabinet head.

So it is my belief that the law itself should be repealed, and the administration does not solve the inherent problems in that law.

QUESTION BY SENATOR. Well, further along those lines, let me ask you—if the bill is repealed, or if that law is repealed and the bill is passed, would you do anything different than you are doing now as far as administration of the——

Mrs. BOWLAND. If the law were repealed? We would do nothing.

QUESTION BY SENATOR. Well, maybe I'm—what would be the impact, would the bottom line be any different? You are handling it administratively now from what I understand. We should save X number of dollars—akin to your presentation and the way your department is evidently handling it.

Whether we repeal it or not, we're not going to save nay more money, are we?

Mrs. BOWLAND. I do—I mean I can't say that for a fact because I don't know what will happen under repeal. I believe approximately the same amount of moneys——

QUESTION BY SENATOR. I don't want to cut you off, but I heard the figure was $17 million.

Mrs. BOWLAND. Seventeen million dollars next year by the survey itself, shows that there was $17 million, was an inflated cost on the project.

QUESTION BY SENATOR. But you are handling that.

Mrs. BOWLAND. Yes.

QUESTION BY SENATOR. So we're going to save that whether the bill passes or not.

Mrs. BOWLAND. At this point, yes. However, I would like to reiterate that under any administration that the law is so ambiguous and so vague that any kind of administration can be done by any Secretary in any fashion so desired by that particular Cabinet head.

QUESTION BY SENATOR. Well, do you feel so strongly about—evidently you do—shall I ask why do you feel so strongly that that should be left to the governor and his secretary to handle it, the law that he would want to—wouldn't that lend to give the governor the flexibility to either handle it the way you're handling it or handle it differently?

I mean, why would you not want to give that flexibility to the administration?

Mrs. BOWLAND. I don't believe—for a number of reasons, that the administration should be in the process of setting wage rates for certain categories of employees, should be in the process of setting classifications for the construction industry.

I believe that it should be left open to a free bidding process, and is not the jurisdiction of State Government.

QUESTION BY SENATOR. Well, I think it is a free bidding process.

Mrs. BOWLAND. Not if wage rates are set artificially.

QUESTION BY SENATOR. Well, I guess that's just a matter of opinion because——

Mrs. BOWLAND. I assume it is.

QUESTION BY SENATOR. I mean, you answered my questions—and the bottom line is whether the bill passes or not, we won't save another dime, maybe $200,000 in administration costs, that's the only relevant figure that I see.

Mrs. BOWLAND. No, I don't believe that's true at all. I think at any point, with a change of an administration or a Secretary of Labor, any formula can be used and once again can inflate those labor costs—and I don't think corrective administration of a law for a 3, 4, 7, or 8-year period is going to solve the inherent problems in the law itself.

And I would never leave a law on the books simply because I believed at this point it was not causing a problem. If there's something the matter with that particular law, it should be repealed and not left up to proper administration.

QUESTION BY SENATOR. Well, I don't want to argue with you and your philosophy behind why you're doing what you're doing. I'm trying to look at the situation as it is today, and you're the Secretary of the Department, and you're telling me that you have the power administratively to save or to change or turn around or whatever the terminology may be, the State $17 million, and you can do it today with or without this bill.

And you're worried about some other administration. I would assume that you would be confident enough that your administration would continue for some time.

Mrs. BOWLAND. I don't believe it can continue longer than 8 years.

QUESTION BY SENATOR. Well, we have 6 years left to address this problem, don't we?

Mrs. BOWLAND. Yes sir.

CHAIRMAN. Senator (Inaudible).

QUESTION BY SENATOR. Mrs. Bowland, the figure of $17 million has been mentioned as to what you anticipate the savings under your administration would be.

Mrs. BOWLAND. Yes sir.

QUESTION BY SENATOR. I have reviewed a study—I don't have it with me, it's several years old, but it was done by one of the universities, and I don't remember if it was Loyola or Tuansen (?), that gave a projection of varying figures indicating that if the prevailing wage were repealed, that there would be a reduction in State—costs to the State ranging from $30 million to $50 million because of the free bidding process.

Why is it that under the administration of the law, you can't get the whole $50 million savings?

Mrs. BOWLAND. At this point, we are surveying and working with four criteria mandated by the body—and I'm certain everyone understands what those criteria are.

Previous to this point, the past administrations have used collective bargaining rates. Each year that the surveys are taken that all four criteria are used, it would seem very likely to me that you will continue to get some kind of overall reductions.

However, I don't think there's any way to make this kind of a prediction. And at this point I'm only working with the figures that I have at hand.

QUESTION BY SENATOR. With administering the prevailing wage law, do you have a tendency to average a number of different wage rates that apply to the statute?

Mrs. BOWLAND. No. According to the law, you use the four criteria—which are collective bargaining rates, the Federal Davis-Bacon wage rates, a survey of people do like work and any determination that is pertinent to that particular wage determination.

You use that wage which is prevailing, not average—the wage which is prevailing in that given locality. So—no, it is not an average.

QUESTION BY SENATOR. So Davis-Bacon and the wage rates—those may or may not be what the marketplace would end up with is you did not have the prevailing wage law, is that correct?

Mrs. BOWLAND. Yes. Thank you very much.

CHAIRMAN. Thank you, Mrs. Bowland.

Mr. Johnny Koke.

(End of Bowland testimony as designated)

PREVAILING WAGE HEARING

Testimony of Mrs. Debra Bowland

before the Louisiana Senate Labor Committee

June 11, 1982

PROCEEDINGS

Mrs. BOWLAND. Thank you very much for having us here today. I do represent a committee called The Committee To Repeal Prevailing Wage—which is a group of people who are deeply concerned about the free enterprise system, about good use of our tax dollars, and about good government.

We currently have about 45,000 members and associate members, and they have asked me to come to you today to present testimony on why the prevailing wage law should be repealed.

I've worked with all of you before, and I know that you know I'm deeply committed to the free enterprise system and to less Government . . .

(Break in tape here)

During the two years that I served as Secretary of Labor between administrations, indeed the one law that most flagrantly defied everything that I believed in as far as the free enterprise system was concerned was a law called Prevailing Wage.

Very briefly, and in language that I believe everyone can understand (and I can't always understand all the lawyerese in the law) but very briefly, the statute states:

That the Secretary of Labor will set a pre-determined wage on any State contract over $25,000 by considering for criteria . . .

And those four criteria are: the Federal Davis-Bacon wage rates set by the U.S. Department of Labor, collective bargaining wage rates, a survey of people doing like work in a given locality—and fourth, anything pertinent to that wage determination.

And that's all there is. There are no guidelines or no formulas set that say how those standards will be used to set the wage scale.

Prior to my serving as Secretary of Labor, of those four criteria—collective bargaining wage rates were generally the only thing used.

This meant that the vast majority of the work force in the State of Louisiana were not represented in those wage determinations. Then, as mandated by you and by the governor, I attempted to solve the problem through what you called proper administration of that law.

Surveys were begun to be taken in all four of those criteria that were specified in the law were considered. This action alone saved the State over $17 million—which could then be used to construct other State projects and provide additional jobs for the people of Louisiana.

But I believe that this itself points out very clearly what the problems with the law is. At the whim of an administration in power or a Secretary of Labor—the way the wage rate is determined from those four standards can be changed, which result in a very different wage scale.

And look at the practical application of what I am saying. A Secretary of Labor can set a wage rate below a collective bargaining wage rate—putting union contractors at a competitive disadvantage. Or, a Secretary of Labor could set a wage rate at collective bargaining wage rates, putting merit shop contractors at a competitive disadvantage.

A law which is that loosely written and that open to interpretation should indeed be repealed.

Second—in that third criteria we were talking about, if you remember, I said it was a survey of people doing like work in a given locality. In the law there is no definition of what a "locality" is going to be.

Previous administrations have used something called "union jurisdiction". I have found that very often this imposed metropolitan wage rates on rural parishes, thus denying jobs to people in local areas and contractors, sub-contracts to rural contractors.

In an attempt to correct this problem to better administration, I defined "locality" as "parish", feeling that with a small enough unit to get a fairer wage determination.

This also created problems, however. And one of the for instances of what created a problem is, I don't know how many of you have seen a State highway that runs through several different parishes, so there could be several different wage determinations which vary from one parish to another.

But once again, that's a problem in the law itself because it can be changed, and it is open to interpretation by an administration or Secretary of Labor.

The only answer in my opinion to this problem is to repeal that law.

Third—the wage determinations are also set by classification, and you asked that question a little bit ago. State Government dictates to employers what classification of workers they must use, what workers are going to perform in those jobs in those classifications—and puts Government into the position of making decisions which should be made between the employer and his employees.

Fourth, and perhaps worse—there is no appeals process to the wage determination made by the Secretary of Labor except to the governor who appointed the Secretary of Labor in the first place.

But it's far more than simply a law that has administrative problems and cannot be administered well. It also greatly interferes into our private lives. The prevailing wage law is very discriminatory in that it is only contractors who are told what to pay their employees when they do business with the State.

No other businessman who supplies business services to the State is under that kind of regulation.

Why is it that the construction industry arbitrarily has singled out the wage regulation? And I believe it's far more than just a law with administrative problems, or a law that interferes into our private lives.

In addition to limiting what our tax dollars can buy in construction, prevailing wage forces all taxpayers in the State to subsidize the wages of construction workers who perform State jobs.

A taxpayer who is perhaps earning $8 an hour must subsidize the wages of those people working on State projects that are perhaps receiving $14 an hour.

Taxpayers today are demanding that their tax dollars are spent well, that they're spent wisely, that they're spent efficiently—and State Government today is simply squandering tax dollars that should be used to build more projects and to create more jobs.

I have several basic questions that I'd like to share with you today. The first—why should State Government be allowed to eliminate competition for wages for city procedures in State Government and in State construction?

Second—why should it cost Government more to build buildings than it cost to build the same buildings in the private sector?

Third—in a time of greatly decreasing State and Federal revenue, why should this law be repealed? Why shouldn't it be repealed and wisely utilize tax dollars?

And lastly—why must we have a law on the books which so blatantly defies the free enterprise system and all the principles of good Government? And why should we have a law on the books that can be changed by any city administration?

I am here today asking for your support to repeal the prevailing wage law. As you mandated over the past 2 years, I attempted to correct the problems in the law through better administration. I report to you today that the law simply cannot be administered well because it is a poorly written law.

The only answer to that law is repeal. I believe that the State has absolutely nothing to fear from free and open competition. I ask you to please vote for the repeal of prevailing wage.

Thank you.

QUESTION/ANSWER SESSION

QUESTION. (Inaudible—Tape dysfunction).

Mrs. BOWLAND. No. We've looked at several places where the law has been (Inaudible) repealed such as in (Inaudible) no other State contractors have come in to get jobs. I would like to point out that out of State contractors come in and bid today and get jobs in Louisiana under the prevailing wage rate.

And, I believe a lot of times they can afford to do so because you have very high inflated wage rates here in Louisiana caused by the prevailing wage law.

CHAIRMAN. Another question?

QUESTION. (Inaudible) Was that 1981?

Mrs. BOWLAND. It was just after we passed the rules and guidelines, and that was calculated by Tom Armada in the Office of Labor that first year.

QUESTION. Also, what was the total amount of State contracts (Inaudible).

Mrs. BOWLAND. My capital outlay budget I can give you.

QUESTION. (Inaudible).

Mrs. BOWLAND. Now those figures I'd have to get from Tom—I don't know them offhand.

QUESTION. (Inaudible).

Mrs. BOWLAND. Those figures were testified in committees last year, so they are available to that committee testimony.

QUESTION. I would like to (Inaudible).

CHAIRMAN. Mr. Lancaster?

QUESTION. Mrs. Bowland, in testifying before this committee the past couple of years, I believe you indicated that somewhere between 5 and 10 percent if I remember correctly—would be saved if the State did not have a prevailing wage law. Is that right?

Mrs. BOWLAND. According to the studies of the GAO on the Federal Davis-Bacon wage, if it were repealed, some 15 percent would be saved. Now I think it's very silly if anyone sits up here and tries to give you an exact figure, because every contract is going to have to be bid, and it depends on who gets the contract.

What it does is it opens up the State contract itself to free competition, and whoever gets the low bid is going to get that bid.

QUESTION. The thing that interests me is that we now have before us the governor's proposed (Inaudible) is going to raise $450 million in additional revenue for capital projects, and I'm just wondering what the repeal of the prevailing wage law, what financial impact that could have in addition to the possible (Inaudible) you already talked about.

Would that be an additional savings to the State?

Mrs. BOWLAND. Yes, and anything that is bid would be saved, you know, proportionately. You also would save $172,000 in administrative costs, and cut the budget by that much more.

QUESTION. But you still (Inaudible Comment, followed by laughter).

CHAIRMAN. Jim?

(New individual testimony begins here)

(End of Bowland Testimony)

Mrs. BOWLAND. For a number of reasons, Senator Kennedy, and I hope I am going to address each of the points that you have made. If I do not, I hope you will remind me of that.

First of all, you indicated that the Governor had changed his position on the repeal of prevailing wage. He did not. During his campaign, during the time he was Governor of Louisiana, what he said was that he believed that the Louisiana prevailing wage law was a flawed law and it should be repealed. If indeed it was not repealed, it should be administered well. We worked to achieve both of those things when we did not successfully repeal the law.

I would like to say that although I was very unsuccessful in the repeal of the law, I administered it well, but apparently all of Louisiana or at least the vast majority of people in Louisiana agreed with us. The law was repealed several times, once vetoed by Governor Edwards, and actually repealed by a Democratically-controlled House and Senate and a Democratic Governor, because the law could not be administered well. It was a flawed law. It was a very, very different law from Davis-Bacon, and it was repealed in 1988 by a Democratic Governor and a Democratically-controlled House and Senate. It was not a partisan effort on my part, and it indeed was not a crusade because of an ideological bent. It was a flawed law, and I continue to believe that, but it was repealed.

The laws indeed have similarities. I have never said they don't have similarities, and they both say they are prevailing wage laws. I have also said that I do not support repeal of Davis-Bacon and I wouldn't work to repeal it. I think I have said that as clearly as I can.

But I still maintain that the Louisiana law, based on the things that I have said this morning—and let me run through them quickly again—there was no definition of a prevailing wage in Louisiana, except that you should consider four criteria. Tremendous discretion was given to the Secretary of Labor in setting those wages. During my predecessor's time as Secretary of Labor, collective bargaining rates were used. When I was Secretary of Labor, surveys were used because I thought that was the fairest way to administer that law.

Under Davis-Bacon there is a precise definition of "prevailing wage." What it says is that if the majority of workers in a classification are receiving that rate, that rate is going to be prevailing, and if that majority doesn't exist, then you should use a weighted average. That kind of option did not exist.

Second, the appeal process really bothers me. I think it should bother you, too, that a union could not appeal a wage determination to the Governor—only the agency. I think there is something terribly the matter with a law that allows that kind of problem. I also believe the fact that you could only appeal to the Governor, who appointed the Secretary of Labor and who could rely on the judgment of that Secretary of Labor, smacks of real problems.

There were problems in the law, and when we talked with opponents we found vastly more opposition to reform of the law than we found to repeal that law.

You also mentioned that I had worked for the Committee to Repeal Prevailing Wage after I resigned. I did so. I resigned and bought into a public relations company, and one of the clients that we did work for was the Committee to Repeal Prevailing Wage. I continue to believe that the Louisiana law was a flawed law, which in no way can be interpreted to mean that I would oppose or not enforce Davis-Bacon. I worked for that committee for

3 months out of the 2 years. In fact, I wasn't involved in many efforts to repeal the law, and let me reemphasize that the law was repealed long after I left Louisiana.

The CHAIRMAN. As I mentioned earlier, there is no question that you were not effective in the repeal of the law. That is not the issue. The issue is laying the Federal law next to the State law, which you have said is ambiguous, and virtually unenforceable. I maintain that they are virtually identical. You indicated some of the differences. I will come back to those.

You talk about the Louisiana criteria being vague. There are four criteria. There are no criteria in the Federal law. It is established by regulation. There is even less guidance, even less guidance at the Federal level, but they have issued and promulgated regulations. You had that power and you did not do so.

Second, you talk about the definition of prevailing wage. That is not in the statute either. That was promulgated by regulations. You had similar power to do it and did not do so.

You talk about appeal. Employers may appeal to the State District Court. Under the statute there is no appeal at the Federal level, none, except what is established by any kind of regulations. At least there were some protections in the Louisiana statute.

The three areas which you have identified as being distinctive between the Federal law and the State law do not give me a lot of satisfaction that you will be able to implement the Federal law. As I say, you can go right down as I did, in the key aspects of that State law and Federal law, and find virtually the identical language, virtually the identical language, virtually identical meaning.

On the one hand, you say that that law is vague, ambiguous, and cannot be effectively administered; and on the other hand you say, with regard to the Federal law, "I commit myself to administering it effectively."

Mrs. BOWLAND. But I said——

The CHAIRMAN. Well, I mean, that is paraphrasing, or that you will administer it to the best of your ability. But how can we, as representatives of both employees and employers, how can we have satisfaction that you are going to be able to do it when effectively you said that the State law in Louisiana is unenforceable.

Mrs. BOWLAND. Senator, even when I advocated the repeal of prevailing wage in Louisiana, I administered the law well. I never faced a discussion with any legislator or before any legislative committee about my ability to administer that law well. In fact, even many opposing members of that legislative body believed I administered that law well, despite my personal belief about a need for repeal.

You may say, and I have heard you say that you don't believe there are differences in that law. There indeed are outstanding differences in the law. The administrative and the political environment in the Louisiana State Government and the Louisiana State Legislature in 1980 were vastly different than they are at the Federal level. The Governor that I worked for asked me to work for repeal, never changed that position. He asked me to administer the law well. I did both.

The CHAIRMAN. Well, I want the record to show that the Governor, as I understand it—if you have different information, I hope you will correct me—that in the spring of 1980 the Governor supported the repeal of the law. In June of 1980 the Governor withdrew the repeal bill and sought regulations instead. That is at least the information I have. If it is not accurate, then I want to be corrected.

Mrs. BOWLAND. I would like to correct you.

The Governor, throughout the time that I worked for him, strongly supported the repeal effort. As is done in Congress, I am certain, and in the executive branch, I am certain, he sat down and talked with folks that were opposing that bill and said, "Look, we will try to administer it well," and he did so. He knew he wasn't going to win on the floor, and so he withdrew it rather than make people draw blood on the bill, but he never withdrew support for the repeal. He never said he didn't think that the law should be repealed, and he continued the position, "If we don't repeal it, indeed we are going to administer the law well."

So you are incorrect in that the Governor did not change his position. I never differed from the Governor in that position.

The CHAIRMAN. Well, I will certainly accept that.

Mrs. BOWLAND. I have spoken with Governor Treen on the phone, and he said if anyone would like to call him and talk to him about that, he would be delighted to talk to them about that.

The CHAIRMAN. No one is questioning your veracity on it. When someone indicates that they withdraw a bill that they have put in and make statements about then administering it, I think it is reasonable to assume that they are withdrawing their position or altering their position. Now you might draw a different conclusion. I think any of us are free to draw our own conclusions on it.

I have just one other area, but I have taken a good deal of time. I will yield to the——

Senator THURMOND. Mr. Chairman, would the distinguished ranking member yield to me about one minute? I have another engagement and have to leave. I would just like to ask a few questions.

Senator HATCH. Yes, that is fine.

Senator THURMOND. Mrs. Bowland, President Bush was elected as our President and he has appointed his Cabinet members. The administration makes the policy. You will not make policy. It will be your business to execute the policy, if confirmed.

Mrs. BOWLAND. Yes.

Senator THURMOND. Will you execute the policies of the administration?

Mrs. BOWLAND. Absolutely.

Senator THURMOND. If you do not, then you have no business in that position.

Mrs. BOWLAND. You are correct.

Senator THURMOND. The people elected President Bush for what he stands for. He has been elected by the people, by a big majority, and whatever policies he advocates, you will have to administer those or he would have to remove you from office. Otherwise, he could not carry out his policies. So you will administer the policies of the Bush administration?

Mrs. BOWLAND. Yes, sir, I will.

Senator THURMOND. That is all. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hatch.

Senator HATCH. Mr. Chairman, thank you.

Mrs. Bowland, I think what you are saying here is that you didn't agree with that law. There were differences, although they were slight. There were ambiguous regulations pertaining to this law in Louisiana. The Governor didn't like the law and you didn't like it, but you administered it and you administered it fairly. I presume you don't like that law to this day.

Mrs. BOWLAND. It is a law that no longer exists, since it has been repealed by a Democratic legislation.

Senator HATCH. Well, that is a very good reason not to like it, then, I would think. [Laughter.]

Senator HATCH. I have a legal opinion from the General Counsel of the Louisiana Department of Labor which we will put in the record, dated February 14, 1980. It says, "Bear in mind that the establishment of a prevailing wage rate is a reflection of judgment based upon the exercise of sound discretion." It backs up exactly what you are saying, that it was really up to you to determine how it was administered, and there is lots of leeway to administer it improperly, but I don't think anybody can come forth with any information to indicate that you administered it improperly or with bias or not impartially. Do you know of anybody who would possibly make that comment or claim?

Mrs. BOWLAND. No.

Senator HATCH. I don't, either.

[The legal opinion from John L. Avant, General Counsel, Louisiana Department of Labor follows:]

Dear Mr. Guillory:

You have requested my opinion with respect to the following situation:

Since June 13, 1978, the Prevailing Wage Division of the Office of Labor has issued prevailing wage rates required by R.S. 38:2301 in accordance with General Administrative Directive Number 102. A copy of this directive is attached hereto.

You advise me that since the above directive, wage rates have been issued based upon Federal Davis-Bacon rates published in the Federal Register. However, with respect to fifteen (15) parishes, I am informed that effective January 1, 1980, the U.S. Secretary of Labor has no published rates for Heavy and Highway Construction. In other words, these fifteen (15) parishes have been deleted from the Federal Register.

I am also informed that you do not have sufficient bona fide surveys for heavy and highway construction rates in some of these parishes to justify a wage determination based upon surveys. More will be said about this problem later.

I am also informed that there are negotiated rates in collective bargaining agreements which reflect an approximate 48 percent increase over the last published Davis-Bacon rates. I understand these Davis-Bacon rates are based upon 1975 rates. However, most, if not all, highway construction in the affected parishes is performed by companies not signatory to these collective bargaining agreements and the actual wages being paid at this time for highway construction in the affected parishes is somewhat less than the negotiated rates, I am told.

You state that currently you have several requests for wage determinations from the Department of Transportation and Development for work in the affected parishes. your problem, as I understand it, is that Categories I and II in General Administrative Directive Number 102 are not available and with respect to Category III, the negotiated rates do not accurately reflect current wages in highway construction because most of that work is performed outside of the confines of collective bargaining agreements.

You request my advice as to the proper procedure to be followed, time being of the essence, as the determinations requested must be supplied forthwith.

You are referred to R.S. 38:2301(J):

> "J. In determining the said prevailing wage, the commissioner of labor shall consider: (1) wage scales fixed by union-management collective bargaining agreements in the area, (2) the prevailing wage determination made for the area by the Secretary of Labor of the United States under the provisions of Title 40, U.S. Code, Section 276a, the Davis-Bacon Act, (3) the wages actually paid various classes of workmen, laborers and mechanics employed on projects of work of similar character to the contract work in the same or similar area within the State, and (4) any other pertinent data or facts that he may deem relevant and proper to such determination."

It is my opinion that the law directs you to consider three (3) specific sources of information, i.e., collective bargaining agreements, Davis-Bacon determinations, and actual wage surveys. In addition, you are to consider any other pertinent data available and then exercise a sound discretion and make a judgment as to the appropriate rate. No one of the criteria specified is to be considered exclusively; all must be considered and a judgment made.

Information obtained from the U.S. Department of Labor, Bureau of Labor Statistics, reveals that from January 1, 1975, through December 31, 1980, the consumer price index has increased 48 percent. The same source indicates that the national average wage increase, across the board for highway and road construction, has increased by 36 percent from January 1, 1975, to October 1, 1979, the latest date for which figures are available. This information is not available on

a regional basis or on a craft by craft basis but is based upon the national average for all crafts. In addition, you have advised me that investigators from the Prevailing Wage Division, Office of Labor, have attempted to conduct surveys of employers engaged in highway construction in the area without avail. You have reported to me that some employees have stated that in addition to being paid the prevailing rate (based upon 1975 Davis-Bacon figures), they are receiving undocumented allowances for food, lodging, and other incidentals. These, I understand, are paid in cash. I am also informed by you that these employees refuse to sign statements, stating they fear reprisal.

The consumer price index increase of 48 percent and the national average increase in wages of 36 percent are items which you should consider in establishing current rates for highway construction. You should also consider the negotiated rate and also the fact that those scales are not actually being paid.

Further, you must "consider the wages actually paid various classes of workmen, laborers and mechanics employed on projects of work of similar character to the contract work in the same or similar area within the State."

If, in your opinion, based upon all of the knowledge available to you, wages or allowances are being paid "under the table", so to speak, you should likewise consider that fact. After due consideration of all of these factors, you should make a judgment as to which rates are "prevailing" in the area for highway construction and that should be your official determination.

Bear in mind that the establishment of a prevailing wage rate is a reflection of judgment based upon the exercise of a sound discretion considering the three specific factors mentioned in R.S. 38:2301(J) and all other pertinent information. You are not to consider one factor to the exclusion of all others. All must be weighed and put in the balance. After your judgment is made and published, the affected State agency or department has the right to appeal the matter to the Governor. The final decision, in that case, rests with the Governor.

Concerning the difficulty in obtaining surveys and the allegedly undocumented or so-called "under the table" payments, I advise you:

The laws of this State and the United States require employers to keep accurate records of employees, wages paid, and hours worked. If any employee states to an investigator that he is receiving payments not recorded on his employer's payroll, an effort should be made to obtain a signed statement from the employee. The statement should contain the employee's name, address, social security number, classification, job description, wages as reflected by the payroll record and any additional payments involved. If the employee refuses to sign a statement, the investigator should nevertheless record the same information in his own written memorandum and note that the employee refused to give him a signed statement. The date, time and place of the interview should be recorded. If these instances are not isolated and information emerges to indicate a pattern or practice of this conduct, I recommend that a formal investigation be conducted using the subpoena power to obtain the true facts. Further, the information which is obtained should be referred to the appropriate Federal and State authorities for further action in the form of prosecution or otherwise.

MEMO FROM THE DEPARTMENT OF LABOR

TO: All Prevailing Wage Rate Division Employees
FROM: Curtis C. Luttrell, Assistant Secretary of Labor
SUBJECT: Issuing Prevailing Wage Rates (R.S. 38:2301)

It has been brought to my attention that a great deal of conflict and confusion does exist in regard to the issuing of Prevailing Wage Rates under Louisiana Law, therefore this Administrative Directive Number 102 is to clarify and set forth the procedures to be followed when State rates are issued or released as provided by law.

I. Federal Davis-Bacon rates published in the "Federal Register" or issued by the U.S. Secretary of Labor, unless;

II. The Office of Labor Prevailing Wage Rates Division has on record, sufficient bona fide surveys of the same recognized area as defined in the Federal Register, that reflects a different rate for that area.

III. If there is no established rate or survey for an area as set forth above, then the Office of Labor Prevailing Wage Rate Division shall issue the rates as established by union agreements in effect for the area where projects are being advertised for bidding under R.S. 38:2301 (Act 65 of 1968).

IV. The above procedure set forth herein shall be followed immediately when issuing all project wage rates as required or requested from proper sources under Louisiana Law.

In the event a conflict of law is established by proper legal sources, then law will supersede these instructions only to the extent such conflict is established.

Senator HATCH. Now I understand that in addition to the Committee to Repeal the Prevailing Wage Law, which your public relations company rep-

resented, that you also represented clients such as the Special Olympics. Is that right?

Mrs. BOWLAND. Yes, sir, I did.

Senator HATCH. And you fought for the Special Olympics.

Mrs. BOWLAND. Yes, I did.

Senator HATCH. You had numerous Democratic candidates for office that you represented in that position. Isn't that correct?

Mrs. BOWLAND. Yes, I did.

Senator HATCH. I am not trying to lose you the Republican votes here, but I—— [Laughter.]

Senator HATCH [continuing.] But I think it shows the type of person you are, that you were a bipartisan person who was wiling to have an open mind with regard to politics, and certainly with regard to your responsibilities.

Mrs. BOWLAND. Yes.

Senator HATCH. Now, Mrs. Bowland, your personal views as I see it are not the issue here. The issue is purely one of your ability and willingness to administer this law fairly and administer this department fairly in the Federal Government. It is your ability to enforce the law, not in a fashion tilted toward a management point of view or toward a union point of view, but to do it fairly and honestly, within the law and the regulations, which are also the law. Right?

Mrs. BOWLAND. Yes, sir.

Senator HATCH. You agree with that position?

Mrs. BOWLAND. Yes.

Senator HATCH. The only credible evidence which provides insight into your ability to enforce the law fairly is your track record, not speculation about what you might do, and your track record indicates that you would enforce the law fairly.

Now I have received over the past number of weeks a number of letters, each stating unequivocally, to the best knowledge of those who are in a position to best know the facts, that you always discharge your duties as a governmental official fairly, equitably, and in a manner consistent with an oath taken. I don't know what more we could ask for in appointing you to this position.

For instance, I mentioned the letter from the Teamsters Union. They don't oppose you. They think you will be a good and impartial administrator, to use their terms.

There is a letter from Senator Allen Bares, president of the Louisiana State Senate and, I might add, a Democrat. Senator Bares states that you did an outstanding job as Secretary of Labor. He says you were always fair and conscientious in applying Louisiana's labor laws.

I have another letter from Governor Treen, under whom you served as Secretary of Labor. That letter leaves no doubt—and I would ask that it be placed in the record—that leaves no doubt how he felt about how you discharged your duties, and that you did so in a fashion consistent with your oath of office.

I also have letters from former Secretaries of Labor Ann McLaughlin and Bill Brock. You served under both of them, and each of those letters states—and I will ask that they be placed in the record, too—each of those letters states that you conducted your duties fairly and above suspicion, and that none of your actions or activities were guided by personal points of view or motivations outside the scope of your official duties.

The first letter is from David C. Treen, Deutsch, Kerrigan & Stiles, New Orleans. He says:

I understand that on Friday your committee will consider the appointment of Debra Bowland as Administrator of the Wage and Hour Division, Department of Labor.

I am confident that Debra would serve the Department in an exemplary fashion and reflect great credit on both President Bush, for making the appointment, and on the Senate for confirming her.

When I was elected governor in 1979, I appointed Debra as the Secretary of Labor for the State of Louisiana. I found her to be an outstanding administrator, extremely solicitous for the welfare of the Government employees under her direction, and responsible for some outstanding achievements, many of them recognized by the United States Department of Labor.

I know that the committee has received some criticism of Debra from organized labor having to do with administration of the prevailing wage law in Louisiana. An effort was made to repeal that law when I was governor, but we were not successful. I instructed Mrs. Bowland to carry out the law in accordance with its intention, even though we did not agree with the law. It is my opinion that she followed my instructions conscientiously and fairly.

I certainly hope that the committee will give a favorable vote, and I urge you to do all that you can to see that that occurs.

With warmest personal regard.

The second letter is from Ann McLaughlin, The Urban Institute, Washington, DC. She says:

I would like to take this opportunity to express my support for Debra Bowland as Administrator, Wage and House Division of the U.S. Department of Labor.

During my tenure as Secretary of Labor, Debra worked for me on the 1988 report, *Child Care: A Workforce Issue,* analyzing the issues and developing an Administration policy on child care. She was a pivotal member of the staff team.

In the policy development phase of our work, Debra demonstrated that she can quickly get up to speed on new and complex subjects, as well as provide fair analysis on the impact of a wide variety of policy options being considered. In addition, she demonstrated sensitivity and concern when assessing the perspectives of various constituent groups.

Debra is a dedicated and committed public servant—even when personal sacrifice is required, she will get the job done and at the highest level of quality. Without her diligent and sustained efforts, I would not have been able to publish a landmark report 90 days after forming the task force.

Due to her deep commitment to the Department and its programs, I also asked Debra to serve as Deputy Director of the Women's Bureau. In this capacity she provided leadership for the design, implementation and marketing of the Women's Bureau Work and Family Clearingh ouse, a nation-wide data base which provides technical assistance to the employer and union communities in establishing dependent care programs. The Clearinghouse has had remarkable success and the Women's Bureau has gained substantial recognition for its assistance to American men and women in balancing the often conflicting demands of work and family.

I highly recommend Debra Bowland for the position of Administrator of Wage and Hour. She will provide outstanding leadership in carrying out the programs under the jurisdiction of the agency.

Thank you for your consideration.

The third letter is from William E. Brock, The Brock Group, Washington, DC. He says:

I understand the Senate Labor and Human Resources Committee will soon hold a hearing on the President's nomination of Debra Bowland to be Wage and Hour Administrator.

As you may know, she came to the Department of Labor during my tenure as Secretary. I know her abilities and they're first-rate. She started at the Employment Standards Administration then moved to the Policy Office.

From the latter position, among other things she was instrumental in getting out the proposed OSHA rule on bloodborne diseases. You and I have both complained about the amount of time it takes to develop regulations; without Mrs. Bowland's persistent efforts over many months, this "AIDS standard" might not yet have seen the light of day. Right a the outset, "Doc" Bowen and I agreed we needed a rule to protect health care workers. We also agreed it would take the full cooperation of OSHA and the Public Health Service to do it. Mrs. Bowland made sure that the inter-Departmental cooperation, not always the easiest to establish, was both established and maintained right through to the drafting of the proposal, which was published some time after I left the Department.

This is just one example of her hard work and effective professionalism. There are many others. She has integrity and intelligence. If confirmed, she would act honorably on her oath to well and effectively carry out the Wage and Hour Administrator's duties, particularly the enforcement of wage and worker protection statutes.

Senator HATCH. Now I would put more credibility on these testimonials than upon any unproven speculation about what you might or might not do.

Let me just ask you a few simplistic questions. Mrs. Bowland, to your knowledge, have you ever broken an oath of office while serving the public?

Mrs. BOWLAND. No, sir.

Senator HATCH. If you take the oath of office to serve as Administrator of the Wage and Hour Division, will you uphold that oath regardless of your own personal point of view?

Mrs. BOWLAND. Absolutely, without a doubt.

Senator HATCH. And you will do it fairly?

Mrs. BOWLAND. Yes, sir.

Senator HATCH. You will administer it fairly and equitably?

Mrs. BOWLAND. Yes, I will.

Senator HATCH. Would you ever permit any special interest to sway you in your decisions, in one direction or the other, from what you believe the law to be?

Mrs. BOWLAND. No, sir.

Senator HATCH. Would you have accepted this nomination if you felt your personal feelings, whatever they may be, would influence your ability to fairly discharge your duties?

Mrs. BOWLAND. No, sir. I take my oath of office extremely seriously.

Senator HATCH. And I think another good indication of your ability to enforce the law fairly is the way you have undertaken these tasks in an official capacity, so let me just ask a few questions along that line. Although Senator Kennedy does not feel that such matters are part of the issue, I would submit they are. What you have done since 1985, since you have been down at the Department of Labor, I think, speaks well with regard to what you will do in future positions. I think this is quite relevant and very important.

I made mention in my statement about my interest in the area of protection of health care workers against AIDS or other blood-borne diseases. You are proud of what you have done in that area, and you have elaborated on that role. I think that is an important thing that you did. I think it showed compassion and consideration for those employees, and it is an intelligent, worthwhile approach to trying to help protect them from this very serious problem that both Senator Kennedy and I and, I might add, all other members of this committee have played a significant role in trying to resolve.

Now another area I am interested in is the child care issue. Tell us a little bit about your involvement in that.

Mrs. BOWLAND. I was actively involved with Secretary McLaughlin and authored and researched key chapters of the child care work force issue for the Secretary. In addition to that——

Senator HATCH. I might add, that is really where this current administration and for the former administration, the child care began. That is where the current administration really got the impetus to carry on with a child care initiative and it was what sparked their interest in child care. Since both Secretary McLaughlin and Secretary Dole have played pivotal and leading roles in this area.

Mrs. BOWLAND. Yes. They both believe that child care indeed is a work force issue. In response to that report, Secretary Dole and Secretary McLaughlin asked us to open and implement and design a clearinghouse for technical assistance for the employer community, a national data base for employers. It has computerized information available with profiles of companies that are willing to talk, when they have implemented good child care

programs, to talk with other employers, to provide those child care benefits to their employees.

Senator HATCH. Well, that is great, and you played a pivotal role.

Mrs. BOWLAND. Yes. I, in fact was in charge of that entire project, and we received over 2,000 calls since January from employers who are interested in establishing such care. We are very proud of that.

Senator HATCH. Well, you ought to be proud of it. Frankly, 5 years ago, 4 years ago when you were doing this, there were a lot of people up here who weren't all that interested in child care. Today I know 535 Members who are interested in it—— [Laughter.]

Senator HATCH [continuing.] And I think the Department of Labor played its role in that.

Mrs. BOWLAND. Thank you.

Senator HATCH. Looking through your record, I note that you were involved in an effort to improve the efficiency of the employment service, in your role as Louisiana's Secretary of Labor. Would you elaborate just for a minute or two on that effort. I am running out of time, so——

Mrs. BOWLAND. Yes, I will do it fast.

I think Job Service is one of the greatest programs going on in——

Senator HATCH. Is it true you went from 49th State to 1st?

Mrs. BOWLAND. Yes, sir. We sure did, in placement rates. I believe that——

Senator HATCH. And you wouldn't take any credit for that, would you? [Laughter.]

Mrs. BOWLAND. No. The only thing I did is believe that I have never met a person who didn't want to work. Everybody wants to have a good job, and if you coordinate those two programs so that people who are out of work are receiving the services of Job Service, it is a much easier thing to get good placement rates.

Senator HATCH. I was only being facetious. I think you deserve a lot of the credit for that, and so do a lot of others.

Mrs. BOWLAND. Thank you.

Senator HATCH. You worked hard on that. That was a priority for you, wasn't it?

Mrs. BOWLAND. Yes, it was. I think having jobs for people who want to work is the priority of Government.

Senator HATCH. Now one more area: I know in your position with the Department of Labor's Women's Bureau, that you have been involved in a number of important issues specifically affecting the employment of women.

Mrs. BOWLAND. Yes.

Senator HATCH. Why don't you just share with us some information about the involvement you might have had in assisting in the Department of Labor's work on the employment of women in nontraditional jobs.

Mrs. BOWLAND. Actually, my work with women in nontraditional jobs began back in 1980, when I created a liaison with the Louisiana Women's Bureau to create a nontraditional jobs problem when lots of folks weren't even thinking about them. But in addition to that, we have indeed established programs for nontraditional jobs, such as a WINC program, which is a curriculum program for young girls, so they can look at careers in nontraditional roles. We have demonstration projects going on now in training in nontraditional areas, and indeed did establish a liaison for tradeswomen across the country to work with OFTCP in apprenticeship programs within the Department. I am very proud of those achievements.

Senator HATCH. Well, I am, too. Let me just say this. Senator Metzenbaum has a bill up here on nontraditional jobs for women, and we would like to see what we can do to get that through. Maybe you can be of some assistance in that regard. We may just call on you, because we have a couple of Republicans who we would like to educate in that area because it is a very, very important area. I commend the senior Senator from Ohio for his work in that area.

I have a lot of other questions, but let me just say this: I personally respect you——

Mrs. BOWLAND. Thank you.

Senator HATCH.—or the work that you did both in Louisiana and especially your work here in Washington. I think you are just the type of person we need in positions like this. You are knowledgeable. You have background. You are a dedicated public servant. You want to do what is right and you want to administer the laws properly, and I think you would please the Senators on this committee, on both sides of this committee, by trying to do the best job you possibly can.

I also want to tell you I respect you for—it is no secret that we on this committee have been concerned about your commitment to administering the enforcement of this area, and you have had some people say, "Well, you are not going to make it through the committee." But I respect you for holding to your guns and asking for this hearing so that you could stand up for your point of view and let all members of this committee know that you are a dedicated public servant, that you are not going to play this game in a partisan, playful fashion.

And I will be honest with you: You can't do that. If you did that, you would hurt President Bush and you would hurt many of the things that you believe in personally. I know you know that, and that is the point I would like to bring across here today. I just respect you for asking for this hearing. I hope my colleagues will give you a fair hearing here, and that you can be confirmed in this job, because I think you are just the type of person we ought to have in either party to serve in the Department of Labor. I too share your healthy respect for the people down there who do a great job in trying to serve the employers and employees throughout this country.

Mrs. BOWLAND. Thank you very much.

The CHAIRMAN. We will leave the record open for 7 days for other inclusions.

Senator Metzenbaum.

Senator METZENBAUM. Mrs. Bowland, we are happy to have you with us this morning.

Mrs. BOWLAND. Thank you.

Senator METZENBAUM. I would like to go in an area that has not yet been explored. I would like to get your views with respect to the free enterprise system and labor unions, and how employers treat their employees. If you could concisely tell me where you are coming from, it would help me. We have been talking about the administration of the Davis-Bacon Act but I also am concerned about the wage and hour law, and I would like to get your thinking generally.

Mrs. BOWLAND. Yes, and one of the things that I wanted to mention that I hadn't earlier is that I believe that the wage/hour—and I know that wage/hour is far more than Davis-Bacon, and includes the Fair Labor Standards Act, the Polygraph Act, the Service Contract Act, the Public Contract Act, NSPA and (2)(a) programs, I mean, it is far broader than simply Davis-Bacon, so I am really glad you asked me the question.

I do believe in this country and the free enterprise system, and I have absolutely no apologies to make for that. I also mentioned that I have tremendous respect for the American people, and I think through their elected representatives, that they do regulate the market properly in almost all cases. I also believe that if indeed a market is regulated improperly, that individual citizens and elected officials must work to remove those. Davis-Bacon isn't one of them. I would like to say that from the outset.

I have a healthy respect for labor unions. I believe that on a scale of 1 to 10, I would give them a 9. I think they are a tremendous and an integral part of what is going on in our marketplace today. The only problem that I had in Louisiana was that they were the dominant force and abused that power. I have a healthy respect for all of organized labor.

Senator METZENBAUM. Mrs. Bowland, let me be a little more specific.

Mrs. BOWLAND. Yes.

Senator METZENBAUM. You were quoted as saying, "The one law that most flagrantly defied everything that I believed in as far as the free enterprise system was concerned was the law called prevailing wage. The law puts Government in the position of making decisions which should be made between the employer and his employees."

Now the job that you have been appointed to, subject to confirmation, has to do with exactly that subject. It puts Government in the position of making decisions which should be made between the employer and his employees. When we say to McDonald's or Burger King or Roy Rogers that you shouldn't be paying $3.35 an hour, you should be paying $4.55 an hour or something more, we are making a decision which, according to you, should be made between the employer and his employees. That is exactly what we are doing, nothing more, nothing less. We are saying $3.35 is too little.

Now I want to ask you, how can a woman who has said that you disapprove of such laws come before us for confirmation to administer a law that does exactly the opposite of what you think laws should do?

Mrs. BOWLAND. I have never said, never made a public utterance that I didn't believe in minimum wage. I have never said that, and I——

Senator METZENBAUM. I haven't said that you did. I haven't said that you did. I just read you the words you said, nothing more.

Mrs. BOWLAND. What I said was—and I think we need to always put those comments in the context of the Louisiana prevailing wage law, in which wages were arbitrarily set, arbitrarily changed at the whim of any administration that happened to be there, and set arbitrarily high wage rates with absolutely no way to appeal those wage rates, and it was done. I was there. I assure you that that is the way it was done. Anytime you have a law—I mean, the purpose of the Davis-Bacon Act——

Senator METZENBAUM. Disregard the question about Davis-Bacon. Let's stay with the wage and hour law.

Mrs. BOWLAND. Very different than that in Louisiana, even in the committee. One of the purposes was to preserve the competitive bidding edge for union contractors.

Senator METZENBAUM. I am not interested in that aspect.

Mrs. BOWLAND. Any time you are unfair to both the employees and to the contractors, if you have that kind of practice——

Senator METZENBAUM. I am not interested in that part. I understand it is a totally different——

Mrs. BOWLAND [continuing.] It is in violation of the free enterprise system.

Senator METZENBAUM. I am talking about the question of the Government making decisions which should be made between the employer and his employees. This isn't the only time you said it. You said it in testimony as Secretary of Labor. You said, "It is my opinion that it is not the province of the State to enter into negotiations for wages between employers and employees."

Now many individuals go to work for McDonald's for $3.35 an hour, but would like to get $4.00 an hour or $4.25 an hour. What the Government is doing is entering into those negotiations between McDonald's and that employee or group of employees, and we are saying the wage ought to be at least $3.35 an hour under the present law. If we had our way it would be $4.55 or higher, but the President—who has made your appointment—is arguing about 30 cents an hour over a period of 3 years, and that is where he is.

But I am not even at the point of questioning the $4.25 against $4.55. I am saying to you, how do you, Mrs. Bowland, come before us and ask us to confirm you for a position where you are making decisions between the employer and the employee, when you have in two instances publicly said that it is not the province of the State to get into making those decisions?

Mrs. BOWLAND. Because I was talking specifically about the State of Louisiana and specifically about the prevailing wage law in Louisiana, I mean, when I said that. Davis-Bacon has all sorts of things that make it very different. For instance, if indeed you don't like the classifications that are set by Davis-Bacon—and when they do surveys, they don't set classifications—you can ask for a conformance hearing with wage/hour to relook and see if what wage/hour is doing is noncompetitive. No such options were available in Louisiana.

Anything I said about prevailing wage must be taken in the context of that law and in the context of the environment, of what was happening in Louisiana in 1980, and in the context of the fact that I was working for a Governor who was advocating repeal.

Senator METZENBAUM. Mrs. Bowland, I am not referring to the prevailing wage law. I am talking about your statements, your quotes, what you have said is your view, what comes out of your head. Your head is saying and has said publicly not once—you might have made a mistake once—but twice, that Government shouldn't get involved in setting wages. That is really what you are saying.

Mrs. BOWLAND. No, sir. I think I said that only in the context of the Louisiana prevailing wage law. I mean, if you are looking at a speech or at testimony, it was only in the context of that specific law and that specific instance.

Senator METZENBAUM. Let me ask you a question.

Mrs. BOWLAND. Yes.

Senator METZENBAUM. Do you believe in the wage and hour law?

Mrs. BOWLAND. Pardon me?

Senator METZENBAUM. Do you believe in the wage and hour law?

Mrs. BOWLAND. Yes.

Senator METZENBAUM. Setting $3.35 or whatever it should be.

Mrs. BOWLAND. I am familiar with those laws.

Senator METZENBAUM. Tell us, certainly in your position you would not only be following the policies of the administration but we would assume you would be a party to making those decisions. Do you believe that the $4.25 rate in today's world, as a maximum 3 years from now, is adequate? Don't you think at least $4.55 might be a better rate? Would you be pre-

pared to tell the President that you think it ought to be higher and that you disagree with his opinion?

Mrs. BOWLAND. Yes, I will be involved in those kinds of decisions, I am quite certainly, but it will be through the Assistant Secretary for Employment Standards and through Secretary Dole. I believe that the current administration, the President and Mrs. Dole, have taken a very careful posture on the issue of minimum wage, and I certainly wouldn't be willing to second-guess them in my confirmation hearing, but if confirmed I will certainly do all I can to make certain that we come up with a really good solution to that issue.

Senator METZENBAUM. Without second-guessing them, what do you think the minimum wage ought to be 3 years from now? [Laughter.]

Mrs. BOWLAND. That really would be a hard one. I mean, that would be something—I wouldn't be willing to do that at this hearing.

Senator METZENBAUM. You have been involved in this for a long time. What do you think it ought to be? Do you think it ought to be $3.35, $4.25, $4.55, or $5.05? Do you have an opinion?

Mrs. BOWLAND. I have an opinion that I absolutely and completely support this administration's posture on minimum wage.

Senator METZENBAUM. So you would say that $4.25 is adequate 3 years from now?

Mrs. BOWLAND. I would say that I completely support the administration in its position on minimum wage, sir. [Laughter.]

Senator METZENBAUM. Well, I understand you are supporting them. I guess I am asking you what your opinion is.

The CHAIRMAN. I think you have gotten it. [Laughter.]

Mrs. BOWLAND. Thank you.

Senator METZENBAUM. Mr. Chairman, I have no further questions.

The CHAIRMAN. Senator Jeffords.

Senator JEFFORDS. Thank you.

Mrs. Bowland, I came here with an open mind, and I have been impressed with your testimony.

Mrs. BOWLAND. Thank you.

Senator JEFFORDS. The area that is of concern obviously is the statements which you have made. I would like to try to give you my understanding of what you are saying and then let you correct me.

My understanding of what you are saying is that the Davis-Bacon Act, as administered in Louisiana, led to arbitrary and even capricious setting of wages and rates around the State, and that there was no regulatory structure set up, at least prior to the time that you took over, such as we have under the Federal law now, which is quite an elaborate procedure for setting rates. Is that correct?

Mrs. BOWLAND. Yes, sir.

Senator JEFFORDS. Now it is also my understanding that when you were talking about getting involved in establishing wage rates, you were talking about that arbitrary methodology utilized by previous administrations for the setting of rates and interfering essentially with the marketplace. Is that correct?

Mrs. BOWLAND. Yes, sir. That is exactly what I meant.

Senator JEFFORDS. I hope that everyone will take your statements in that context and understand what you were saying. I think all of us can recognize that when a law is very poorly administered, without adequate regulation, it can become so distasteful to the people of a State that eventually it becomes

something that you can't really do anything but repeal, and that is apparently what the representatives of the people of Louisiana did.

Mrs. BOWLAND. Yes. I believe I administered the law very well during the time in which I was Secretary of Labor. The problem with the law is that I couldn't fix it by good administration because it was a flawed law, and it was administered very differently and very arbitrarily and very capriciously. Yes, sir.

Senator JEFFORDS. And I certainly agree with Senator Hatch and certainly Senator Thurmond, that you have pledged yourself to uphold this administration, that you have never violated your oath, that the record is very clear that you have done an outstanding job in those areas where you are working presently in the Department of Labor. I hope that the other members of this committee will take in the context which you outlined, those statements which you did make in the past. All of us I think sometimes have a problem not only with what we said, but obviously when it gets taken out of context, it looks very differently than when taken within context. I just hope that the other members of this committee, especially on the other side of the aisle, will have an open mind and listen very carefully to what you said, because I think you have done an outstanding job of explaining your position.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mrs. BOWLAND. And I would like to assure you that I will uphold that oath of office if I am confirmed.

The CHAIRMAN. Senator Adams.

Senator ADAMS. Thank you, Mr. Chairman.

Mrs. Bowland, I want to share the comments that the chairman made, that I think you have been an outstanding person, and that is not our issue. What we are concerned about, and Senator Hatch put in several letters of commendation to you, I want to read to you and I will put into the record—and I ask unanimous consent, Mr. Chairman, that the letters from the Washington State Labor Council and the attachments that I have thereto, plus this list that I am going to read be made part of the record, as part of my questions.

The CHAIRMAN. It will be made a part.

Senator ADAMS. Mrs. Bowland, this first letter, and I will read you portions of it, is signed by Susan Levy, who is chairman of the Women's Committee of the Washington State Labor Council, AFL–CIO. I am quoting the second paragraph:

"I am acting as Chair on behalf of the Women's Committee of the Washington State Labor Council to object to the nomination of Mrs. Debra Bowland as Administrator of the U.S. Department of Labor's Wage and Hour Division. As Acting Director of the Women's Bureau at the Department, Mrs. Bowland has presided over a shift at the Women's Bureau to an attitude that supports business-endorsed programs and discourages employee or union-sponsored programs."

That is the end of that paragraph, and it goes on at a later paragraph.

"The local Women's Bureau has not provided the assistance we would hope to receive from the Federal agency charged with assisting women workers."

Then I have, as part of the packet that I have asked to be included, a letter signed by the president of the Washington State Labor Council, saying: "Mrs. Bowland's history of hostility toward workers and their unions is clear. In Louisiana she unilaterally canceled the union agreement between the Department of Labor and AFSCME, Council 17, claiming it 'limited her powers.' Her action was reversed by the courts. Her personal

vendetta against the union representing the State's employees remains unprecedented." That is the end of that quote from that letter.

Then I have mailgrams from the Puget Sound Chapter of the Coalition of Labor Women opposing you; from Linda Lanham, Legislative Liaison, International Association of Machinists, 751; by Rhonda Hilliard of the Hotel Employees and Restaurant Employees. I can read these to you if you wish, but I have asked that they be placed in the record. From Beverly Gentry-Stein, Secretary-Treasurer, United Food and Commercial Workers; and from State Senator Pat Murray.

In addition, I have this list of Rikki Pomerenke, Washington State Labor Council, Women's Committee; Gehla Ault, same group; Kathy Fletcher, same group; Al Dickey, same group; and Susan Levy, the Chair, who I have quoted previously; from the Washington State Labor Council, the Coalition of Labor Women, the International Association of Machinists, HER Local 8, UFCW Local 1105, and it goes on for two pages. Actually it goes on for three pages.

[The three letters and mailgrams referred to follow:]

WASHINGTON STATE LABOR COUNCIL, AFL–CIO

Dear Senator Adams:

I am writing as Chair on behalf of the Women's Committee of the Washington State Labor Council to object to the nomination of Mrs. Debra Bowland as Administrator of the U.S. Department of Labor's Wage and Hour Division.

As Acting Director of the Women's Bureau at the Department, Mrs. Bowland has presided over a shift at the Women's Bureau to an attitude that supports business-endorsed programs and discourages employee or union-sponsored programs.

Although the Bureau's idea of a Work and Family Clearinghouse on dependent care is acceptable, it has yet to function in any useful way for workers. It is really set up to serve employers, and not workers. Unions involved in child care issues have found State and local agencies a much more helpful resource. (For your information, the Washington State Labor Council itself is a sponsoring consortium member of a just-about-to-open infant-toddler child care center in downtown Seattle.)

The Women's Committee of the Washington State Labor Council is one of the most active and widely recognized such groups in the country. It is indicative of the Women's Bureau attitude towards labor under Mrs. Bowland's tenure that little to no cooperation or communication exists between our organization and the Bureau.

We have found the Seattle Office for Women's Rights and various State agencies much more helpful in providing resources and information on issues of importance to working women. The local Women's Bureau office has not provided the assistance we would hope to receive from the Federal agency charged with assisting women workers.

The Washington State Labor Council has also been active with a coalition of women's organizations to help lobby and pass the State's new Family Leave and Family Care Laws. These laws allowing parents to use their own sick leave to care for their sick child and to take extended unpaid leave for the birth or adoption of a child are extremely helpful to working parents in reducing the stress of juggling work and family demands. The Women's Bureau has not supported these laws either on the State or Federal level.

Working women—union and non-union—need an advocate at the Women's Bureau. Under Mrs. Bowland's direction, the Bureau has not been helpful or involved in advocating for programs and regulations to benefit women workers. In fact, many of the proposed regulatory changes from the DOL would be especially harmful to workers in traditionally female-dominated jobs.

We would find it extremely worrisome to have Mrs. Bowland as Administrator of the Department of Labor's Wage and Hour Division. We urge you to oppose her nomination.

Sincerely, Susan Levy, Chair, Women's Committee

Washington State Labor Council, AFL–CIO

Dear Senator Adams:

I urge you to oppose the nomination of Debra Bowland as Administrator of the Department of Labor's Wage and Hour Division. Her nomination will be before the U.S. Senate Labor Committee on October 20.

Mrs. Bowland's history of hostility towards workers and their unions is clear. In Louisiana, she unilaterally canceled the union agreement between the Department of labor and AFSCME Council 17, claiming it "limited her powers." Her action was reversed by the courts. Her personal vendetta against the union representing State employees remains unprecedented.

As Louisiana's Secretary of Labor, Mrs. Bowland issued rules that had the effect of unilaterally abrogating the State's prevailing wage law. She resigned from her position after claiming the Governor had not backed her efforts to repeal the State's prevailing wage law. After resigning, she accepted a position with a Baton Rouge public relations firm as the head of a State campaign to repeal prevailing wage protections. The conflict of interest inherent in this act should be a warning to anyone considering her for a public position.

Mrs. Bowland played a major part in the Louisiana campaign to pass a "Right-To-Work" law. That campaign, according to the Louisiana AFL–CIO, was one of the most vicious, anti-union campaigns ever conducted in the State.

Consideration of such a zealot for the important position of enforcing the Nation's wage and hour laws is an insult to the millions of working women and men who depend on those protections for decent, fair treatment in the workplace.

Sincerely, Lawrence Kenney, President

Western Union Mailgrams to Senator Brock Adams

Dear Senator Adams with the hundreds of women who have proved their dedication to Worker Rights available for appointment to the Dept. of Labor's Wage and Hour Division, it is an outrage that a person so hostile to workers—both male and female—would be appointed, please vote against the nomination of Mrs. Debra Bowland.—Puget Sound Chapter, Coalition of Labor Union Women.

Dear Senator Adams, I urge you to oppose the nomination of Mrs. Debra Bowland. Her anti-worker, and anti-union attitude would be a disaster at the Department of Labor, Wage and Hour Division. Linda Lanham, Legislative Liaison, International Association of Machinists #751, Seattle, WA

Dear Senator Adams, as an active female trade unionist, I am appalled at the nomination of Mrs. Debra Bowland for the Department of Labor's Wage and Hour Division. I hope you will oppose her nomination.—Rhonda Hilyer, Hotel Employees and Restaurant Employees, Local 8, Seattle, WA

Dear Senator Adams, I urge you to oppose the nomination of Mrs. Debra Bowland. Her anti-worker, and anti-union attitudes would be a disaster at the Department of Labor's Wage and Hour Division.—Beverley Gentry Stein, Secretary Treasurer, United Food and Commercial Workers, Local 1105, Seattle, WA

Brock, please fight confirmation of Debra Bowland to be DOL Wage and Hour Division Administrator. She's not qualified for this post.—State Senator Patty Murray in Seattle, WA

King County Labor Council of Washington

Dear Senator Adams:

The King County Labor Council representing 82,000 members with 142 affiliated unions voted yesterday to oppose the confirmation of Mrs. Deborah Bowland to be Administrator of the U.S. Department of Labor's Wage and Hour Division. Please see the attached letter from the Louisiana AFL–CIO on Mrs. Bowland.

We at the King County labor Council do not feel Mrs. Bowland should be entrusted with such an important position within the Dept. of Labor. To place her in charge of the Wage and Hour Division would be a farce since she has exemplified not only an opposition to prevailing wage laws but has actually ignored those laws in her prior public position.

It would be a tragedy to the working men and women of this country for her to obtain this appointment. Therefore, we ask for your support to oppose Mrs. Bowland's confirmation in the strongest possible manner.

Thank you for your consideration and assistance in this matter.

Sincerely, Daniel A. Bickford, Executive Secretary Treasurer

OPPOSITION TO DEBRA BOWLAND *** WASHINGTON STATE

Rikki Pomerenke, Washington State Labor Council Women's Committee
Gehla Ault, Washington State Labor Council Women's Committee
Kathy Fletcher, Washington State Labor Council Women's Committee
Al Dickey, Washington State Labor Council Women's Committee
Susan Levy, Washington State Labor Council Women's Committee (Chair)
Lawrence Kenney, Washington State Labor Council President
Puget Sound Chapter, Coalition of Labor Union Women
Linda Lanham, Int'l. Assn. of Machinists #751
Rhonda Hillier, H.E.R.E. Local #8
Beverley Gentry Stein, UFCW Local #1105
Senator Patty Murray, Seattle
Maurine Bo, OPEIU Local #8
Helen Lee, AFSME Local 443
Sue Zukowski, AFL–CIO 3rd Dist. V.P.
Robert Dilger, Wash. State Bldg. & Const. Trades Council (Exec. Sec.)
Susan Johnson, SEIU, Dir. of Govt. Affairs
Diane Lutz, Fed. of State Employees (Tacoma)
Edie Nelson, Wash. Fed. of State Employees #843, Seattle
Della Curry, Int'l. Assn. of Machinists #751, Local E, Seattle (President)
Pat Vuckich, ILWU Local 19, Seattle (President)
Alex Baroumes, ILWU Local 19, Seattle (Sec./Treas.)
Jimmy Dean, ILWU Local 19, Seattle (Agent)
Michael Waske, IFPTE Local #17
Daniel Bickford, King County Labor Council (Executive Sec./Treas.)
Arnie Weinmeister, Joint Council of Teamsters #28 (President)
Allynn Howe, United Brotherhood of Carpenters & Joiners of America
Wayne Pierce, United Brotherhood of Carpenters & Joiners of America

Senator ADAMS. What the concern is, is that apparently these people have dealt with you at some length and have real doubt that, if it comes to administering a particular law—and in this case, as Senator Metzenbaum has brought out, there is the minimum wage law, and as Senator Kennedy has brought out, there is the Davis-Bacon law—that they will receive a fair treatment and that your discretion or your looking at a particular problem will not be biased. They have also stated that you—or I guess, I think that is Louisiana would do it, would be the one to do it—that you were Man-of-the-Year for the Building and Construction Council.

Everybody is entitled to their position, and I have certainly been in a position where I disagreed with people who have been in the same administration, but what do I say to these people? They say that, for example, they have started child care programs that were union-sponsored, and that you seemed to favor those that were employer-sponsored. Do I tell that that didn't happen, or that they were wrong, or what?

Mrs. BOWLAND. That they were incorrect. Simply that you are not correct, that they are not correct in this specific interest, and I would like to address the whole.

In our clearinghouse we have, the target group for that clearinghouse is employers, union groups, and academicians, and is so stated throughout all of our literature. We currently are working with a labor organization, a research institute, to develop profiles on successful union-sponsored care. It will include ways that employees can negotiate with their employers to get child care. I would love for you to come and see that clearinghouse and look at the kind of information that is in the clearinghouse.

Overall, I would like to say, you said, "Apparently these people have dealt with you at some length." As far as I know, they have not, and I think they are listening to people who have made charges that indeed cannot be substantiated.

Specifically, however, I would like to address the comments you made about the union contract. I think what you said was, it was unilaterally revoked. When I became Secretary of Labor, there was a contract signed and lying on my desk that had been signed by my predecessor one week earlier. What I found was that that contract had direct contradictions with civil service law, number one. It put me in the position of, one, either violating civil service or violating that union contract. I found that very hard to deal with. I don't like to violate either one.

Second, the Department employees had not had a chance to vote on that contract. I thought that was very sad. I think that everybody ought to be able to talk about what kind of things they want to have done.

Third, it was a 4-year contract. Historically, there had been 20 years worth of 1-year contracts, so I just felt that indeed it was a contract that we should talk about. I spent 8 months talking with the head of the union about how can we solve the problem. Let's sit down and negotiate together. Let's look at ways we can have a sit-down, heart-to-heart talk, and we did so. In fact, I wrote a letter to every single one of the employees in the Department and said, "I am just working as hard as I can and negotiating in good faith and trying to solve this problem."

What we found was, we could not. I went to the Governor's office and talked with their attorneys, and what they said was, "Go to court and find out if that contract is valid. At the same time simultaneously say you are not going to work with this contract." We went to court, and I think what you said was that my actions were reversed by the court. This is not true. What the court found was that civil service law superseded that union contract; that the contract was valid, but only for the 34 percent of the people in the department who actually were members at the time of the signing of that contract or who joined the union subsequently.

I did everything in my power to work with the union, and I think I have had good relations with the unions here.

Senator ADAMS. I appreciate your comments on that, Mrs. Bowland. We obviously have a difference of opinion and statement on what occurred there.

I will read you what is stated by these people with regard to your clearinghouse, and this is from Mrs. Levy, and it is dated October 18, 1989, because you indicate that they had not worked with you. It says: "Although the Bureau's idea of a Work and Family Clearinghouse on Dependent Care is acceptable, it is yet to function in any useful way for workers. It is really set up to serve employers and not workers. Unions involved in child care issues have found State and local agencies a much more helpful resource. For your information, the Washington State Labor Council itself is a sponsoring consortium member of a just about to open infant-toddler child care center in downtown Seattle."

I do not know, and I am trying to give you every opportunity to make your statements with regard to these matters, but these people do not feel that you really care much for them.

Mrs. BOWLAND. The clearinghouse is set up as a technical assistance program for people who are interested in instituting day care or elder care programs for their employees, and we are encouraging in every way we can to have those kinds of programs set up either by the employee community, by unions, through negotiation, through having experts who are pushing it, from going around the country talking about child care.

We are not, and I think that is what she is asking for, a national resource and referral service where people can call and say, "Where can I send my

children?'' One agency could not do that. What we have done instead is, we have contacts that we refer people to at the State and local level if they are interested in finding resource and referral centers. The only way I know to create, from my agency, good child care and elder care opportunities for workers is through the establishment of employer-sponsored care and through working as hard as I can to make sure that all the options are explored, so I think it is one of the many tools that can be utilized to make certain that people have good access to child and elder care.

Senator ADAMS. Thank you. I have just one further question, Mr. Chairman.

Your resume indicates that from January, 1980 through October, 1982, you were serving as Secretary of Labor in Louisiana. Newspaper clippings that I have from Louisiana indicate that on Tuesday, February 9, 1982, you are quoted as follows: ''She said she was joining a Public Relations Management, Inc. in Baton Rouge, where her first project will be to head the prevailing wage law campaign.'' For the record, when did you leave State Government to head up that campaign?

Mrs. BOWLAND. I left State Government, I believe it was February 7, 1982. I believe that was the date that I left. I also left State Government to work for a public relations firm, and actually I bought part of a public relations firm. I left State Government to join the private sector. One of the clients that we did have was the Committee to Repeal Prevailing Wage.

Senator ADAMS. Thank you, Mrs. Bowland.

I have no further questions, Mr. Chairman.

The CHAIRMAN. If we could maybe go into that just a little bit, you resigned in February and then, as I understand it, immediately became involved with the Committee to Repeal the Prevailing Wage.

Mrs. BOWLAND. Yes.

The CHAIRMAN. We asked you to provide records of the committee's activity, and you provided the committee with a substantial amount of documentation. We want to thank you for your cooperation.

From these and other records we have determined that within days of your resignation, on March 1, 1982, you participated as an incorporator and member of the board of directors of the Committee to Repeal Prevailing Wage, and you were named secretary of the committee. What I am trying to get at is, were you carrying on the activities of your testimony before the legislature as a part of the Governor's policy, was it just limited to that, or is this something that is really deep-seated, a belief, a philosophical belief. I think it is important that we determine that. Were you just going on into public relations, and was this just a client, or was there something more to it in terms of your involvement?

As I understand, you participated as an incorporator and member of the board of directors of the Committee to Repeal Prevailing Wage and were named secretary of the committee. On March 24, according to the minutes of the board of directors, you participated in discussions involving legislative strategy for the committee, providing a list of your own personal contacts for committee mailings.

On March 30, 1982, the Committee to Repeal Prevailing Wage began a series of advocacy mailings signed by Debra Bowland. We have copies of 12 different letters sent in mass mailings over your signature to mayors, to AGC members, concerned members of the construction industry, chambers of commerce, taxpayers, friends, other groups. I will make those available to the committee.

In these letters you invoke your experience as the Secretary of Labor to support yours and the committee's strong belief that the problems in the prevailing wage cannot be corrected administratively, that the law causes the State to squander dollars which should be used on additional needed projects, and that this law must be repealed.

In a letter dated April 1, 1982, you write, "The prevailing wage law is loosely written, can be changed at the whim of the administration, blatantly violates the principles of free enterprise and good Government." Your letter details the problems with the methods of determining prevailing wage—locality, jurisdiction, classification, economic impact. Each repeats the overriding point, "Repeal the prevailing wage."

Moreover, the record disclosed that the committee had an office at your consulting firm, Public Relations Management, for the period of February 22, 1982 until June 22, 1982. Additionally, the company paid your firm for the installation of a telephone and office supplies. Not only were you a consultant for and a board member of the committee, but the committee was operating out of your offices.

Mrs. BOWLAND. Yes. I have no problem with that, sir.

The CHAIRMAN. From April, 1982 until June, 1982 you received $13,400 in consulting fees for your services, as well as over $2,000 in lobbying fees from the Committee to Repeal Prevailing Wage. During this time, the invoices from your company indicate that the only other moneys that you received from your clients was a $2,800 retaining fee in mid-June. It seems that despite your best efforts as the Labor Secretary to repeal prevailing wage, you were unsuccessful, so you resigned and immediately continued your efforts in a private capacity as a prime mover of the Committee to Repeal Prevailing Wage. There you apparently spent most of your professional efforts working on behalf of this committee from the time of your resignation through June, 1982, when the repeal effort was defeated in the legislature.

So my question is, isn't it clear that your involvement in the efforts to repeal the prevailing wage reflected your strong personal views regarding these laws?

Mrs. BOWLAND. What was reflected by my activities after I resigned as Secretary of Labor was indeed the fact that I believed and continue to believe to this day that the Louisiana prevailing wage law was an extremely flawed law. That kind of belief in no way reflects on what I would do in administration of Davis-Bacon.

Secondarily, the Louisiana prevailing wage repeal campaign was indeed handled by our company, and the consulting fees that you talked about were indeed given to the entire firm. We had four other people in that firm, some of whom lobbied, some of whom designed direct mail, some of whom did brochures. My total income from that first year that I was an officer—I mean, that first year that I had my firm—if I remember, from the firm, was $33,000, and indeed we had many other clients. In fact, I submitted to the committee a list of 72 clients we worked for throughout that 2-year period. During the subsequent year I wasn't involved in that campaign.

Let me restate, I did indeed work for that committee because I believe that the Louisiana prevailing wage law was a flawed law.

The CHAIRMAN. Well, which comes back to the full circle, and that is, that the Louisiana law is a flawed law virtually identical to the Federal law.

Mrs. BOWLAND. No, sir, it is not.

The CHAIRMAN. Well, I just read those parts to you. I read them, and they are right there on that chart, virtually identical language, identical defini-

tions. Now if you want to dispute that, then go ahead, but the three areas that you did dispute were not, I found, very convincing, because those areas were established by regulation. You talk about the appeals process, you talk about wage determination criteria, and the definition of prevailing wage. Those were the three that I understood. I just find it extremely difficult, given laying the Federal next to Louisiana, that you can find the distinctions in that.

Senator JEFFORDS. Mr. Chairman, you don't have laid out the regulations under the Federal Government and the lack of regulations by the State of Louisiana.

The CHAIRMAN. Senator, she had the power. That is exactly it. You have virtually identical laws. It works at the Federal level. She says that the State law is a flawed law. She has the powers to promulgate those regulations.

Mrs. BOWLAND. Senator, it was in the law in Louisiana. Statutorily the four criteria were utilized which gave broad discretion, so that you had to consider all of those factors. Indeed that could not be changed by regulation. You can't change a law by regulation.

We talked about reform and found there was far more opposition to reform from the people that we were talking with and dealing with who were opposed, than we did to repeal. All I am saying is, I was there. I worked in that system. I understood what was going on in the administration of the entire department. I understood what was going on at the State level, and indeed it was a very different law.

Senator JEFFORDS. It is my understanding it is the fourth criteria that you are laying that claim on, which says that you go through these three others and then you can do anything you want. Right?

Mrs. BOWLAND. Right.

The CHAIRMAN. And the Federal says do anything you want.

Mrs. BOWLAND. The Federal Government has a long list of criteria that should be considered, and then says——

The CHAIRMAN. Not the law, now.

Mrs. BOWLAND. The regulations say——

The CHAIRMAN. Not the statute. We are talking about implementing the statute. That is the question. The Federal statute does not have a long list of criteria to be considered. You have just four criteria in Louisiana, yet you do not have that criteria in the Federal. The Federal law is more ambiguous, and yet she found that the four criteria, which I certainly would think would give you more guidance than the Federal law—is unenforceable, but that the Federal law is enforceable. Now I just find that difficult to swallow.

I have read those changes and have done the comparison. If you want to provide additional information to try and distinguish the statutes, I would be glad to hear from you.

Mrs. BOWLAND. I would be glad to do so. It is a very different law.

The CHAIRMAN. I want to thank you very much. I can not reiterate enough that the differences between the State statute for which you sought repeal and the Federal statute which—I think we have a very important responsibility in preserving, are negligible. You are not being nominated to run those child care programs, which I am very hopeful we will be able to expand even within this Congress, or for dealing with many of the women's issues, health items, employment items, or job training programs where you have demonstrated both an interest and competency.

But in this area here, we have a very important responsibility to protect those workers. Given your position in carrying forward the Governor's role and your work afterward, the characterizations and comments—in statement

after statement, speech after speech, that, even giving some latitude that you were just speaking about that particular State law, it is difficult to believe, quite frankly—and I say this with all respect that after cumulatively looking through these statements, you were just relating to that specific legislation and not expressing something that was in the core of your soul.

Now people have to just make judgments around here. I may very well be wrong but it is difficult for me, looking through those speeches, to say that there is anything else but that you believe that position very deeply and passionately, and I respect you for it. But what we are asked to do here is to put a person in which we have—and others may reach a different decision—a substantial doubt as to your actual views on one of the key statutes you would be administering. We are being asked to put you in that position of responsibility and potentially put at risk the protection for millions of people who depend on strict enforcement of these statutes.

That is the issue that we have to resolve, but it has nothing to do with the other strong record that you have in terms of public service both in the State and now at the Department of Labor.

[The prepared statement and biographical sketch of Mrs. Bowland follows:]

PREPARED STATEMENT OF DEBRA RUSSELL BOWLAND

Mr. Chairman, Senator Hatch, and members of the Committee. I am delighted to be here this morning to discuss my nomination to be Administrator of the Wage and Hour Division at the U.S. Department of Labor.

It is a tremendous honor to have been nominated by President Bush, and, if confirmed, I pledge to vigorously enforce the laws under the jurisdiction of the Wage and Hour Division in a fair and equitable manner.

I have spent most of my career in state and Federal government working with Department of Labor programs. I've been attracted to jobs where I can work to protect workers' pay and benefits, while at the same time working to preserve jobs provided by the private sector.

As the first woman and the first Republican Secretary of Labor in Louisiana, I served as a member of the Governor's Cabinet, as a member of Workers' Compensation Second Injury Board, and testified before the legislature in support of the Governor's policies. Programs administered by the Department included unemployment insurance, the Job Service, training and employment programs under the Comprehensive Employment and Training Act, regulatory and licensing boards such as the Barber Board and the Boiler Inspectors Board, administration of the Louisiana Prevailing Wage Division, the Summer Youth Program, the Governor's Discretionary Grant Program, and the Apprenticeship Program. I also chaired the national public relations committee for ICESA that is dedicated to state employment agency objectives.

During my tenure as Secretary of Labor, my agenda was driven by the need for jobs and training for the working people of Louisiana and a top priority, in those recession times, was working to prevent the bankruptcy of the UI trust fund.

I spent my first thirty days as Secretary of Labor meeting every employee in the Department to listen to their views about the direction and management of the agencies and their programs. I am proud to say that I supervised a first-rate professional staf which helped me lead a department of approximately 1800 employee with 45 local offices.

During my administration, I was able to put in place programs that resulted in Louisiana's rate of job placement for UI recipients to be increased from 49th among states to 1st.

We also launched the first cooperative job training effort between Louisiana's Departments of Commerce, Education, and Labo to induce industrial development, and we designed and implemente the first study of future man-power needs in Louisiana.

As Secretary, I served as a member of the Women's Talent Bank and worked with the Women's Bureau to establish training programs for women in non-traditional jobs, and moved the Office of Equal Employment Opportunity into the Office of the Secretary to raise its priority.

I also successfully implemented the first official rules and regulations for administering the Louisiana prevailing wage law. In many instances during the course of promulgating those rules, we looked to the administration of Davis-Bacon in designing our administrative procedures. We utilized parish (county) lines as the geographical boundaries for wage determinations, and instituted wage surveys as one of the tools for determining prevailing wages, and we established complaint procedures for Louisiana workers.

Since November of 1985, I have worked at the U.S. Department of Labor in three agencies -- Employment Standards, the Office of Policy and the Women's Bureau. In each of those agencies, I believe I have also made a positive contribution to working men and women in this country.

Currently, as Acting Director and as Deputy Director of the U.S. Women's Bureau, I have had the opportunity to serve as a policy advocate to the Secretary of Labor on legislative and regulatory issues affecting women and their work.

Most recently, I directed the Task Force on Liability Insurance as a Barrier to On- or Near-site Child Care, and was responsible for the start-up and operation of the Work and Family Clearinghouse -- a national data base which provides technical assistance to employers and unions in the areas of child care, elder care and other work-related employment policies.

During my tenure at the Women's Bureau, the Bureau targeted safety and health issues for women, training, affirmative action, and work and family as policy priorities for the Women's Bureau. In 1989, a Tradeswomen's Conference in Chicago was sponsored by the Women's Bureau and we held follow-up agency liaison for a tradeswomen network with DOL agencies. Also, I had the privilege of serving as the U.S. Delegate to OECD Working Party on the Role of Women in the Economy.

As Special Assistant to the Assistant Secretary of Policy, among other things, I was responsible for the authorship and research on key chapters of the Secretary's Task Force Report "Child Care: A Workforce Issue." I also coordinated the Joint Advisory Notice on AIDS in the Health Care Workplace between HHS and DOL -- a precedent setting joint effort between OSHA and the public health service. This led to publication of a recent OSHA proposed rule governing protection for health care workers from blood borne diseases.

As the Special Assistant to the Deputy Under Secretary for Employment Standards, I was fortunate to have the opportunity to learn more about laws covering minimum wage and over-time, prevailing wage for Federal contracts, child labor, and equal employment opportunity and affirmative action.

Being a public servant in state, local and Federal government has been an extreme honor and tremendous opportunity!

If confirmed as Administrator, I will give the same commitment to fair and impartial enforcement of the law -- and I will work to represent the interests of all the working men and women of the country.

Having worked in ESA several years ago, I have developed deep respect for the employees in the Wage and Hour Division. Their dedication and commitment to the critical laws under their jurisdiction is impressive and, just as I did as Secretary of Labor in Louisiana, I will immediately set out to listen to their views about the agency.

Initially, I believe it will be essential to review regulations and procedures to make certain they are current with the law -- and to determine absolutely that the agency is enforcing the law in the most efficient and effective manner. I am also certain that voluntary compliance by employers could be improved through education and technical assistance. I will immediately undertake a review of computerization to enable compliance officers to most effectively perform their jobs and enable them to adapt to the automated payroll systems in the employer community. It is essential that the Wage and Hour Division follow through with the development and implementation of it's automation system to ensure update of Collective Bargaining Agreements and the issuance of timely wage determinations. Training will also be a high priority in the agency as we must ensure that we maintain and retain the quality of enforcement activity historically provided by Wage and Hour.

Let me restate as I close, that I am honored to have been nominated by the President. You have my word that, if confirmed, I will vigorously administer the law in a fair and equitable manner. I look forward to sharing my thoughts and ideas about the Wage and Hour Division, and look forward to hearing your comments about the agency.

Thank you.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: BOWLAND (last) DEBRA (first) RUSSELL (middle)

Position to which nominated: ADMINISTRATOR, WAGE AND HOUR Date of nomination: JUNE 8, 1989

Date of birth: 24 (day) 01 (month) 44 (year) Place of birth: Dayton, Ohio

Marital status: Married Full name of spouse: George Robert Bowland, Jr.

Name and ages of children: Tracy Lynn Bowland 22 years old
Todd Russell Bowland 21 years old
Tara Lee Bowland 18 years old

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Louisiana State University	9/75-5/76		
University of Wyoming	1/63-6/65		
Sunshine High School Melbourne, Australia	1/62-12/62		
Basin High School Basin, Wyoming	8/58-1/62	Diploma	6/62

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Special Merit Award, DOL, 1983

Presidential Elector, 1984

Co-chair, Louisiana Reagan-Bush '84, 1984

Vice Chairman, Louisiana Republican Party, 1983

Man of the Year, Associated Builders & Contractors of LA, 1980

Nominee, Construction Man of the Year, Engineering New Record, McGraw-Hill (ENR), 1981

Delegate to the Republican National Convention, 1980, 1984
Member, Louisiana Talent Bank for Women, 1980-1984
Lantern Award, Louisiana Press Association, 1977

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
American Legion Auxiliary		3/44-Present
Eastern Star		1/70-Present

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

9/88-Present	Deputy Director, Women's Bureau, U.S. Dept. of Labor, Washington, D.C.
6/87-9/88	Special Assistant to the Assistant Secretary of Policy, U.S. Dept. of Labor, Washington, D.C.
11/85-5/87	Special Assistant to the Assistant Secretary, Vocational & Adult Ed. U.S. Dept. of Education, Washington, D.C.
7/85-9/85	Special Assistant to Member, Federal Labor Relations Authority, Wash., D.C.
1/85-6/85	Director, Citizens' Service, East Baton Rouge City Parish Government, Baton Rouge, Louisiana
4/84-11/84	Executive Director, Louisiana Reagan-Bush '84, Baton Rouge, Louisiana
11/82-3/84	President, PSMI(self-employed), Baton Rouge, Louisiana
1/80-10/82	Secretary of Labor, Louisiana Dept. of Labor, Baton Rouge, Louisiana
11/78-12/79	Campaign Director, People for Treen, Baton Rouge, Louisiana
11/77-10/78	Executive Director, Louisiana Republican Party, Baton Rouge, Louisiana
6/76-10/77	Director, Political Action, Louisiana Association of Business & Industry, Baton Rouge, Louisiana
8/66-5/76	Homemaker - Soda Spring Idaho & Baton Rouge, Louisiana
1/66-7/66	Teacher,Caribou County School Board, Soda Springs, Idaho
12/65-1/66	Clerk, Idaho Mercantile Inc., Soda Springs, Idaho
1963-1964	Summer-Aide, Wyoming State Training School, Lander, Wyoming

Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

Talent Bank of Women-Louisiana, 1/80-5/83

2nd Injury Advisory Board - Louisiana, 1/80-10/82

Published writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

N/A - None

Political affiliations and activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

Co-chair, Louisiana Reagan-Bush '84; Co-chair, Louisiana Republican Party; Member, Louisiana State Central Committee, Louisiana Republican Party; Member, East Baton Rouge, Parish Executive Committee.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

N/A - None

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No

3. Has a commitment been made to you for employment after you leave Federal service?

No

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

N/A - None

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

N/A - None

3 Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated

N/A - None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

N/A - None

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

N/A - None

The CHAIRMAN. So I thank you very much, and the other members of the committee. The committee will now stand in recess.

[Whereupon, at 11:45 a.m., the committee adjourned subject to the call of the Chair.]

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